



**MINISTRY OF SOCIAL  
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

- 7 SEP 2016

Dear

On 1 July 2016 the Ministry received your request, under the Official Information Act 1982, for the following information:

- *Copies of all reports, briefings or any other documents regarding a domestic RSE scheme for the tourism industry.*
- *Copies of all reports, briefings or any other documents regarding labour shortages in the tourism industry.*
- *A copy of any feasibility studies into the potential for a domestic RSE scheme for the tourism industry.*
- *Copies of any documents related to a feasibility study into the potential for a domestic RSE scheme for the tourism industry.*

On 26 July 2016, you narrowed the scope of your request regarding labour shortages to:

- *Copies of all reports, briefings or any other documents regarding labour shortages in the tourism industry from 1 January 2015.*

You may be aware that the Ministry of Social Development and the Ministry of Business, Innovation and Employment (MBIE) have been working with the tourism industry to try and address problems with attracting and retaining staff to the tourism sector; part of this work has included looking at some practical ways to try and address labour supply problems and supporting people to up-skill in the industry, including Work and Income clients.

You will find enclosed the following four documents the Ministry of Social Development has identified in scope of your request:

- The report titled *Advice on MSD's involvement in Sector Workforce Engagement Programme- Tourism Sector*, dated 19 February 2016
- The briefing titled *Frontloading the Labour Market Test: proposed nationwide rollout*, dated 15 May 2015
- Letter to the Queenstown tourism industry working group, dated 23 December 2014
- The briefing titled *Definitions of key terms to support the labour market test for Essential Skills policy*, dated 31 July 2014

You may note in the report '*Advice on MSD's involvement in Sector Workforce Engagement Programme- Tourism Sector*', dated 19 February 2016, that there is reference to further advice being provided to Ministers by April 2016. This was provided in a briefing generated by MBIE: '*Update on recommendations from the*

*Tourism Labour and Skills progress report*, dated 24 March 2016. I understand that this document was provided to you on 25 July 2016 by the Office of the Prime Minister.

You will note that the names of some individuals are withheld under section 9(2)(a) of the Official Information Act in order to protect the privacy of natural persons. The need to protect the privacy of these individuals outweighs any public interest in this information.

You will also note that some information is withheld under section 9(2)(j) of the Official Information Act, to enable the Ministry to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). The greater public interest is in ensuring that Government agencies can continue to negotiate without prejudice.

I hope you find this information relating to labour in the tourism industry helpful. You have the right to seek an investigation and review of my response by the Ombudsman, whose address for contact purposes is:

The Ombudsman  
Office of the Ombudsman  
PO Box 10-152  
WELLINGTON 6143

Yours sincerely



Ruth Bound  
**Deputy Chief Executive**  
**Service delivery**



# Report

Date: 19 February 2016

Security Level: IN CONFIDENCE

To: Hon Anne Tolley, Minister for Social Development

## Advice on MSD's involvement in Sector Workforce Engagement Programme - Tourism sector

### Purpose of the report

- 1 You asked for further advice on the Ministry of Social Development's (MSD's) involvement in two pieces of work related to labour and skills supply in the tourism sector:
  - a pilot programme that officials and industry stakeholders have been designing which aims to support and enable the transition of beneficiaries into employment
  - a domestic labour mobility scheme specifically for the tourism sector.

### Executive summary

- 2 The Ministry of Business, Innovation and Employment (MBIE) and MSD have been working with the tourism industry since February 2015 to try and address problems with attracting and retaining staff to the sector, and in response to increasing reliance on low skilled temporary migrants.
- 3 Part of this work has included looking at some practical ways to try and address labour supply problems and supporting people to up-skill in the industry, including Work and Income clients. An outcome of these discussions has been the initial design of a proposed pilot approach. These would use existing successful training programmes or models that Work and Income contracts in the industry and expanding these out to other regions.
- 4 At the same time, the approach would include a greater focus on pre-employment support for Work and Income clients to better prepare them for work in the industry, and a stronger focus on post-placement support, for example working with Service IQ, the Industry Training Organisation or another provider. Post-placement support would also include a qualification component where a new employee wanted to up-skill once they are working and establish a career pathway in the industry.
- 5 If you agree, the proposed pilots would be established in three regions and each take a different focus. Work and Income is currently working with a Wellington based employer to establish an industry partnership with a focus on catering to the rising number of international tourists, such as cruise ship customers, visiting Wellington. The wraparound support would be tied into this industry partnership.
- 6 In Bay of Plenty, Work and Income is working with an existing provider, the Restaurant Association, based in Auckland in the service industry that provide training for hotels as well as the restaurant and hospitality sector. This pilot would focus on entry-level jobs for up to 50 clients with jobs offered in Taupo, Tauranga and Rotorua. This pilot is ready to start in June 2016.
- 7 In Northland,

Section 9(2)(j) Current negotiations

Section 9(2)(j) Current negotiations

8 In addition, Section 9(2)(j) Current negotiations

Section 9(2)(j)

- 9 While the Wellington and Northland proposals are still in the initial stages - conversations taking place with employers, all these programmes would incorporate the additional wraparound support before, during and after training to create a 'package' approach. As such, we would be able to identify whether this approach would assist with attraction and retention issues in the industry.
- 10 At this stage, if you agree, we propose having the pilot programmes running in the first half of 2016. We will keep you updated of progress in the Social Development Update.
- 11 In addition, you asked for further information on a labour mobility scheme in the tourism industry. We are currently working with the Ministry of Business, Innovation and Employment to provide joint advice to you and the Associate Minister of Tourism on the feasibility of this type of initiative. We expect to provide further advice to Ministers by April 2016.

### Recommended actions

It is recommended that you:

- 1 **note** that the Ministry of Social Development has been working with the Ministry of Business, Innovation and Employment and key tourism industry stakeholders since February 2015 to develop a longer-term view of how to attract and retain more New Zealanders in the sector
- 2 **note** that as a result of these discussions, the Ministry of Social Development has designed a proposed approach using existing training programmes or models in the tourism industry and incorporating additional pre-employment and post-placement support working with industry stakeholders, including Service IQ, the Industry Training Organisation
- 3 **note** that the proposed approaches would take place in three regions in three different areas of the industry:
- 3.1 in Wellington working with an employer to establish an industry partnership in the hospitality industry (restaurants) with a focus on providing additional training to cater to international tourists
  - 3.2 in Bay of Plenty (Taupo, Tauranga and Rotorua) working with the Restaurant Association to train clients for entry-level hotel jobs
  - 3.3 in Northland working with Section 9(2)(j) Current negotiations

4 **note** that in Wellington and Northland, Section 9(2)(j) Current negotiations

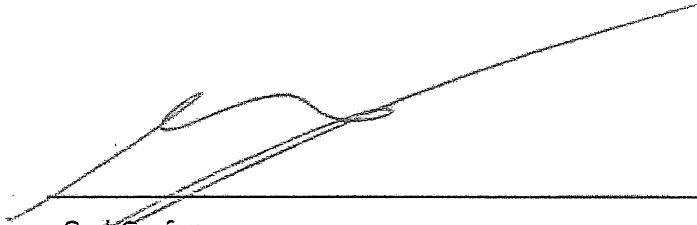
- 5 **agree** to the Ministry of Social Development continuing to work towards piloting this proposed 'package' approach in Wellington, Bay of Plenty and Northland

**AGREE/DISAGREE**

6 **note** that we will work with the Ministry of Business, Innovation and Employment to provide you and the Associate Minister of Tourism with further advice on the feasibility of a labour mobility scheme in the tourism industry by April 2016

7 **agree** to send a copy of this report to the Associate Minister for Social Development.

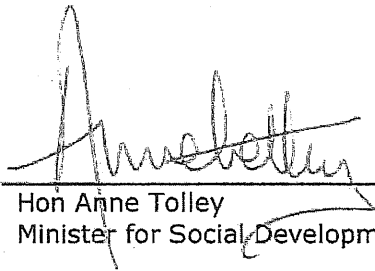
#11 **AGREE/DISAGREE**



Carl Crafar  
Associate Deputy Chief Executive  
Service Delivery

19 February 2016

Date



Hon Anne Tolley  
Minister for Social Development

15-3-16

Date

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## Background

- 12 You recently received a paper from the Associate Minister of Tourism *Progress Report on Tourism Labour and Skills* which discussed piloting training programmes in the tourism sector for Work and Income clients which the Ministry of Social Development (MSD) has been developing. It also discussed whether a labour mobility scheme in the tourism sector would be viable noting that more advice would follow.
- 13 The Ministry of Business, Innovation and Employment (MBIE) and MSD have been working with the tourism industry since February 2015 to try and address problems with attracting and retaining staff to the sector and in response to increasing reliance on low skilled temporary migrants.
- 14 At the same time that this work was taking place, the Sector Workforce Engagement Programme (SWEP) was being established and tourism acted as a natural fit for one of the sectors for government and industry to concentrate on given work was already taking place on similar issues.
- 15 The progress report was provided to the Associate Minister of Tourism in relation to MBIE's 18-month tourism strategy and subsequent work programme. Minister Bennett subsequently asked officials to forward the report to you, the Minister for Tertiary Education, Skills and Employment and Minister of Education.
- 16 You have asked for further information on:
  - a pilot programme that officials and industry stakeholders have been designing which aims to support and enable the transition of beneficiaries into employment into the tourism industry
  - a labour mobility scheme for the tourism industry.

### **A proposed 'package' approach would build on existing models**

- 17 With your approval, MSD is planning on piloting training programmes in three regions using existing programmes in the tourism sector which have been effective at supporting Work and Income clients into employment, and incorporating additional support.
- 18 While this approach incorporates business as usual for MSD, in terms of the training programmes used, the key difference in the proposed approach is providing a package of wraparound services to support clients to enter into, and remain in, the industry. As such, the proposed approach would include providing pre-employment support, short-term training through various providers and be followed up with post-placement support. This could be provided by Service IQ, the Industry Training Organisation for hospitality, retail and tourism<sup>1</sup>, for example or another provider that the training provider decides to use. The post-placement support could provide on-the-job training towards qualifications as well as any other supports they may need to work in the industry.
- 19 The pilot programmes would take place in three different locations in New Zealand: Wellington, Bay of Plenty and Northland. Each programme would focus on three different aspects of tourism and hospitality.

#### *Wellington*

- 20 In Wellington, MSD is currently establishing a new Industry Partnership with a local group who owns 16 bars and restaurants in Wellington. Working with MSD, this group is establishing a training programme with a tourism/cultural focus to better support businesses to respond to international tourists, such as cruise ship customers. While this employer group has a number of work opportunities within their own collective,

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<sup>1</sup> Service IQ also covers aviation, museums, travel and wholesale.

they would also provide training for clients to enter into tourism jobs with other employers in the industry.

- 21 In addition, Section 9(2)(j) Current negotiations  
Section 9(2)(j) Current negotiations

*Bay of Plenty*

- 22 For Bay of Plenty, we propose working with the Restaurant Association (RA) who has been successful at placing Work and Income clients into the industry. Part of its success is due to the existing programme being designed by RA and its members. This pilot would involve two programmes run in a centralised location in Bay of Plenty with intakes of 25 people each (so a total of 50 people trained). Placements and job opportunities would predominantly be in Taupo, Tauranga and Rotorua where there is a strong tourism focus in the local economies. This programme would provide entry-level training within a large hotel complex environment and other hospitality jobs, such as restaurants and cafes. This pilot is ready to start in June 2016.

*Northland*

- 23 In Northland, we are working on two different programmes. Section 9(2)(j) Current negotiations  
Section 9(2)(j) Current negotiations

- 24 The second programme in Northland Section 9(2)(j) Current negotiations  
Section 9(2)(j) Current negotiations

- 25 All of these pilot programmes would have a strong component of pastoral support and are likely to include additional qualifications to support people into career pathways where this is appropriate. MSD has designed these approaches in consultation with key industry stakeholders and we have received positive feedback.

**MBIE and MSD are currently developing advice on labour mobility**

- 26 In November 2016, Minister Bennett asked MBIE to investigate the possibility of developing a domestic labour mobility scheme for the tourism industry, with conditions similar to the Recognised Seasonal Employer (RSE) Scheme. The purpose of the scheme would be to move people, mainly beneficiaries, around the country to provide seasonal labour in high volume demand areas while also providing pastoral care support to employees.

- 27 We are working with MBIE to prepare joint advice to you and Minister Bennett on labour mobility in the tourism sector. For example, we have shared information and lessons learned from existing labour mobility programmes that we have developed including \$3k to Christchurch; \$3k to Work; and the New Zealand Seasonal Work Scheme.

- 28 This work is still in its early stages and may look different to labour mobility programmes focused solely on Work and Income clients. We will take into account your concern around the low wages that are traditionally paid across this sector.

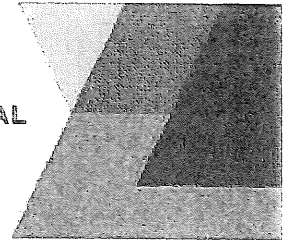
## Next steps

- 29 We will provide advice on the feasibility of a labour mobility scheme in the tourism sector by April and update you on progress in the tourism sector as part of the next SWEF report due in March.

File ref: REP/16/2/134

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## BRIEFING

### Frontloading for the Labour Market Test: Proposed Nationwide Rollout

<b>Date:</b>	14 May 2015	<b>Priority:</b>	Medium
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2607.14-15
		<b>MSD report:</b>	REP/15/5/491

### Background

- In March 2015, Skilled and Safe Workplace (SSW) ministers agreed in principle to the nationwide rollout of frontloading for the labour market test, pending further advice on the proposed nature of that rollout [tracker MBIE 1621 14-15 refers]. This paper provides further details on the proposed shape and timeline of the national rollout of an improved labour market test process.
- Immigration instructions currently require that an immigration officer must be satisfied that the Labour Market Test (LMT) has been met before an Essential Skills work visa can be granted to a migrant by Immigration New Zealand (INZ). The LMT is met where the immigration officer is satisfied:
  - The employer has made a genuine attempt to attract and recruit suitable New Zealand citizens or residence class visa holder workers; and
  - New Zealand citizens or residence class visa holder workers are not available.
- An immigration officer may be satisfied that New Zealanders are not available as a result of one or more factors including the role being on an INZ skill shortage list, an employer making a satisfactory case to INZ, or Work and Income advice about the availability of New Zealand job-seekers.
- The skill-level of a role is assessed using the Australia and New Zealand Standard Classification of Occupations (ANZSCO) and assigned a skill rating from 1 to 5. Where a role is assessed as being low-skilled (skill-level 4 or 5 on the ANZSCO), it is a mandatory requirement that INZ seek Work and Income's advice. The Work and Income referral and resulting advice, commonly referred to as the Labour Market Check, currently takes place after a migrant has made a visa application. A total of 8,256 Essential Skills work visas were granted for jobs assessed as being low-skilled during the 12 months to 31 March 2015, an increase on the 6,722 granted in the 12 months to 31 March 2014. There was a corresponding increase in the proportion of Essential Skills work visas granted for low-skilled roles, rising from 27.2% of total Essential Skills work visas granted in the 12 months to 31 March 2014 to 29.5% in the 12 months to 31 March 2015.
- A number of issues exist with the current LMT process. Employers are often uncertain about the information they have to provide to INZ and unclear about the role Work and Income play in the visa process. Work and Income provide advice about the availability of New Zealanders to INZ, and as a result do not engage directly with employers to provide them with suitable candidates. Additionally, by the time a visa application is made, an employer

has often already found and invested in a migrant worker and is therefore less likely to be open to hiring a New Zealand job-seeker.

6. The Canterbury Skills and Employment Hub ('the Hub') currently undertakes the entire LMT process for applications made in Canterbury that include offers of employment for positions at skill level 3, 4 or 5 of the ANZSCO. While it was agreed to extend funding of the Canterbury Hub for a further financial year, SSW ministers directed INZ and Work and Income to frontload as much of the process as possible without adopting a brokerage model.

### **Work to date**

7. The functioning of the LMT has historically been a point of friction between employers, Work and Income, and INZ. There have been a number of recent efforts to address this, particularly in regions or industries with specific labour market needs. Examples of work to date include the establishment of the Canterbury Skills and Employment Hub, the Canterbury Skills Shortage list, work with the tourism sector to identify and better manage skills and labour gaps in Queenstown, and agreement between Work and Income and INZ to a set of common definitions of terms related to the LMT.
8. As well as easing some of the specific issues related to the LMT, these initiatives have improved the way Work and Income, INZ and industry representatives work together on labour market issues. Particular improvements include:
  - Increased understanding between the two government agencies of each other's processes and capabilities, resulting in clearer communication
  - Greater willingness from industry bodies to proactively work with government in identifying and filling skills and labour shortages
  - An improved understanding by government agencies of the practical issues facing employers
9. Stronger working relationships and greater willingness to address previously identified issues provide a good context in which to implement frontloading for the LMT.

### **Improving the Labour Market Test**

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10. 'Frontloading' involves changing the existing LMT process to ensure more of it is completed prior to the visa application being made. A number of changes are required to ensure benefits are fully realised, including:
  - Requiring employers to seek advice from Work and Income before a visa application for a lower-skilled occupation is made to INZ
  - Improving employer engagement to ensure job-seekers referred by Work and Income are genuinely considered
  - Improving the consistency and usability of Work and Income's skills-matching and reporting
  - Ensuring employers are aware of services and support available to them and understand what to expect when engaging with Work and Income regarding low-skilled vacancies
  - Providing clarity to employers about what is required to satisfy INZ genuine attempts to recruit a New Zealander have been made, including clearer application forms and guides, and clarification of what activities contribute to genuine attempts to recruit a New Zealander
  - Training on the new processes for INZ and Work and Income staff to improve the quality and consistency of their decisions and advice regarding the LMT.

## How the proposed process will work

11. Employers who identify a low-skilled vacancy will need to engage with Work and Income as a first step. INZ will provide clear guidance on the steps that need to be taken and will refer employers to Work and Income rather than accept lodgement of a low-skilled Essential Skills work visa application that does not contain evidence of engagement with Work and Income.
12. INZ will develop this guidance and communication in consultation with industry, reflecting the importance of employers correctly understanding and engaging in the process. The process advice will also guide employers as to how to advertise appropriately and other ways they can access New Zealand jobseekers, regardless of the skill level of the vacancy.
13. To ensure a continued focus on employing New Zealanders first and to support the government's targets to reduce long-term welfare dependency, this same process will be followed if a migrant is granted a visa and later applies for a further visa to continue working in the role.
14. While the Hub remains in operation, it will continue to be the first point of engagement for vacancies assessed as being at ANZSCO skill levels 3-5 in the Canterbury region.
15. The key steps in the new process are as follows:

Step	Who	Action
1	Employer	<p>Identify a vacancy.</p> <ul style="list-style-type: none"> <li>• Use INZ guidance to check skill level of the role.</li> <li>• Depending on skill level, obtain a step-by-step guide as to what they need to do.</li> </ul>
2	Employer	<p>Advertise vacancy through appropriate channels.</p> <ul style="list-style-type: none"> <li>• If the position is low-skilled, also contact Work and Income (steps 3 to 5 below). Contact with Work and Income will be made either through local offices or via contact centres.</li> <li>• If the position is higher-skilled, go to step 6.</li> </ul>
3	W&I	<p>Check the availability of job-seekers using standardised variables and characteristics determined by the employer. Any suitable New Zealanders who are identified will be referred to the employer for consideration.</p>
4	Employer	<p>Consider results of advertising/other attempts to find New Zealanders and any candidates recommended by Work and Income.</p> <ul style="list-style-type: none"> <li>• If suitable New Zealanders are found, process ends.</li> <li>• If the employer wishes to proceed to employ a migrant, they must complete the INZ Employer Supplementary Form with details of the attempts to find New Zealanders and the results of those attempts.</li> </ul>
5	W&I	<p>Provide a skills-match report to INZ stating:</p> <ul style="list-style-type: none"> <li>• The details of the vacancy provided to Work and Income by the employer, and either:</li> <li>• suitable New Zealanders are not available to take up or be trained for the role, or</li> <li>• the number of suitable New Zealanders available to take up or be trained for the role.</li> </ul>

		<p>The skills-match report will record any reasons the employer determined that the Work and Income recommended job-seekers were not offered the role (if applicable). If the employer takes on a job-seeker from Work and Income, this is the end of the process.</p> <p>The period for which a skills-match report remains valid will be determined by INZ and Work and Income as part of the operational detail and consultation process.</p>
6	Migrant	<p>Make Essential Skills work visa application:</p> <ul style="list-style-type: none"> <li>• Applications for low-skilled positions must include both a completed Employer Supplementary Form detailing genuine attempts to recruit suitable New Zealanders and the unique skills-match report identifier.</li> <li>• Applicants for higher-skilled positions must include a completed Employer Supplementary Form detailing genuine attempts to recruit suitable New Zealanders and may also include a skills-match report identifier (if the employer has approached Work and Income).</li> </ul>
7	INZ	<p>Determine whether New Zealanders are available and whether the employer has made genuine attempts to find New Zealanders based on:</p> <ul style="list-style-type: none"> <li>• information contained in the Work and Income skills-match report (if applicable)</li> <li>• information from employers about their attempts to recruit suitable New Zealanders, including evidence of advertising, attempts to train New Zealanders and work with local training organisations.</li> </ul> <p>If the evidence from Work and Income indicates New Zealanders are available, it is likely the application will be declined unless the employer makes a compelling case to the contrary<sup>1</sup>.</p> <p>Essential Skills work visa applications for lower-skilled roles will be returned without being considered where no Work and Income skills-match has been sought.</p>

## Benefits of the proposed changes

### For employers

16. There are a number of differences to the LMT process from an employer's perspective. Employers will be provided with clearer guidance about the steps they are expected to take before a visa application can be made. Those who are struggling to recruit New Zealanders for lower-skilled roles must engage with Work and Income before identifying a migrant they wish to employ and that migrant making a visa application. Employers may also be provided details about job-seekers registered with Work and Income who are suitable for the vacancy.

<sup>1</sup> The common LMT definitions recently agreed to by INZ and the Ministry of Social Development state all positions at ANZSCO skill level 5 are positions which New Zealand job-seekers are readily able to be trained to do the work on offer. It is therefore unlikely a compelling case can be made that New Zealanders are unavailable to fill ANZSCO skill level 5 roles in normal labour market conditions.

17. The benefits for employers of this proposal include:

- Greater confidence they have accessed and assessed the full range of local skills sources available before going to the time and expense of supporting a migrant through a visa application.
- A streamlined visa application process for migrant workers who are offered employment, where the Work and Income skills-match report advises that there are no New Zealanders available to fill the vacancy.
- Consistent and non-contradictory advice from both INZ and Work and Income, based on the advice provided in the Work and Income skills-match report.
- Improved LMT processes throughout the country. A labour market check exemption applying to the Queenstown region is set to expire on 30 June 2015. While the rollout of frontloading does not replicate the Queenstown exemption, it will still be of benefit to employers in the Queenstown region once that exemption expires.
- Improved tools and guides, and clarification of what constitutes genuine attempts to find a New Zealander. A number of options are being considered, dependent on feedback received as part of the consultation process. Improvements could include specifically identifying other ways in which employers are able to demonstrate they have made genuine attempts to recruit New Zealanders and better guidance around their interaction with agencies (such as how to identify the correct ANZSCO number and when referral to Work and Income is required).
- Greater awareness of, and access to, services and support available through Work and Income that may help to overcome barriers to employing New Zealanders. These include travel to employment locations, in-work support and financial support for tools.

**For Immigration New Zealand**

18. Where a vacancy is identified as being at ANZSCO skill level 4 or 5, INZ will have access to a Work and Income skills-match report as a mandatory part of the migrant worker's visa application. The report will contain Work and Income's advice on the availability of suitable New Zealanders, meaning the process has begun before a visa application is received. An assessment of the remainder of the LMT will be made and the application processed accordingly.
19. The LMT will continue to be made on the basis of an immigration officer's judgement of the available information. However, where Work and Income identify there are suitable beneficiaries available INZ will generally consider the LMT is not met, unless the employer has made a compelling case to the contrary.
20. Benefits to Immigration New Zealand include:
- Low skilled visa applications are received in a decision-ready state
  - Greater certainty of Work and Income advice. The Work and Income skills-match report will contain details of the vacancy that was listed, in addition to the Work and Income advice about availability of job-seekers.
  - A reduced role as conduit between employers and Work and Income.
  - A more transparent decision-making process, which will help address some employer complaints.

**For Work and Income and New Zealand job-seekers**

21. The proposed process provides a greater level of consistency, using a nationally-agreed format to capture information about the role, skill and experience requirements. As this information aligns with Work and Income's skills-matching systems, suitable Work and Income-registered jobseekers are more likely to be accurately identified for available roles.

22. Employers are less likely to be under time constraints due to a delayed process that currently sees them seeking an approval to recruit but being required to investigate potential candidates they may have already discounted. This increases the chance of employers engaging in the process genuinely and thus being more likely to recruit New Zealand jobseekers.
23. Work and Income's skills-matching process enables a clear 'bottom line' of suitability to be established. This removes ambiguity around a person's ability to undertake a role and reduces the degree of discretion immigration officers are required to exercise in decision-making, which further improves consistency.
24. The process also places Work and Income at the start of the LMT process regardless of whether an employer is seeking a new employee or an existing migrant worker is looking to apply for a further visa.

### **For migrant workers**

25. The primary impact on potential migrant workers is a Work and Income skills-match report will be a mandatory requirement if they are applying for an Essential Skills work visa to take up employment in a low-skilled role. Low-skilled Essential Skills work visa applications will not be considered unless a skills-match report is available.
26. The main benefit for low-skilled migrant workers is the new process will reduce uncertainty. Applicants will know whether or not Work and Income have New Zealand job-seekers available before they go to the time and expense of submitting a visa application.

### **Implementation process**

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27. Employer education and engagement is vital to the success the nationwide rollout in November 2015. Implementation timeframes have been designed to accommodate both consultation during the detailed design of the process and communication to employers in advance of the proposal going live. It is also proposed the new process initially be launched on an optional basis to allow for a short period of adjustment, before it becomes mandatory. This matches the approach taken for the Canterbury Skills and Employment Hub.

### **Implementation in Queenstown**

28. There are, however, a number of factors in the Queenstown region that make it desirable to replicate a manual version of the new frontloaded process as soon as possible. There is currently an exemption in place in the Queenstown region, which expires on 30 June 2015, which excludes certain occupations from the LMT. The nature of the labour market and recent positive engagement with industry in the region also contribute to the suitability of an early rollout of the frontloaded process. INZ and Work and Income staff in the region will continue to collaborate to identify any roles that do not require Work and Income to provide advice.
29. It is expected that having a manual frontloaded LMT available in the Queenstown region shortly following the expiration of the Queenstown LMT exemption will address some of the issues identified with the LMT process in that region. The early rollout to Queenstown may also inform the shape of the nationwide rollout.
30. Although an early rollout of this process in Queenstown will go some way towards alleviating industry concerns about the end of the LMT exemption, some employers will still want an extension to the exemption. A further paper will be provided to SSW Ministers by the end of May containing an update on engagement with the tourism industry and will contain more detail about these issues.

## Implementation timeframes

When	Action
June 2015	INZ and Work and Income jointly develop proposed operational details of the new process.
July 2015	Consultation with employer bodies and other stakeholders about the details of the proposed new process.
July 2015	Queenstown rollout, using manual processes.
September 2015	Operational details of new process finalised, taking into account stakeholder feedback and information from the Queenstown region.
October 2015	Immigration instructions certified by the Minister of Immigration. Communication regarding the proposed changes to inform and educate affected employers and other stakeholders.
October/November 2015	Training of both INZ and Work and Income staff.
November 2015	Implementation of new processes, on a non-mandatory basis. Changes to INZ paper and electronic forms to reflect implementation. Visa applications for ANZSCO skill level 4 and 5 vacancies will be prioritised if there is an associated Work and Income skills-match report.
March 2016	New processes made mandatory. Visa applications for ANZSCO skill level 4 and 5 vacancies will not be accepted if a Work and Income skills-match report is not available.

### Further detailed design to be completed

31. There are a number of details which need to be finalised before the proposed nationwide rollout. These include:
- Development of effective feedback loops, to ensure that processes are refined and remain relevant and effective.
  - Ensuring the proposed processes and guidance are practical for employers.
  - Ensuring that INZ staff have efficient and secure access to skills-match reports.
  - Consideration of whether formal evaluation is required, and if so, the details of this.
32. Some solutions have already been identified, however further consultation is needed. A deliberate, structured process to consultation and implementation will be followed.

### Path to implementation – Immigration New Zealand

33. Immigration New Zealand will:
- Lead consultation with employers and other stakeholders such as immigration advisers about the operation of the proposed process. In particular, seek feedback about how the requirement to provide evidence of 'genuine attempts' to recruit suitable New Zealanders could be broadened to allow a wider range of activities likely to attract New Zealanders and be more clearly communicated to employers.
  - Implement solutions to areas of concern identified during the consultation period.
  - Provide training to its staff on the new processes.

- Amend immigration instructions to reflect that Work and Income advice will be required for low-skilled applications to be lodged (first on an optional basis, then mandatorily).
- Amend relevant application forms (including online forms) and guides, website pages and other advice to employers and migrants.
- Cooperate with Work and Income in communicating the changes to affected parties.

#### **Path to implementation – Work and income**

34. Work and Income will:

- Consult with MBIE/INZ as well as industry groups about the required content of the skills-matching template.
- Provide training and support to MSD staff who will be tasked with managing the process within regional labour market teams and employment-focused contact centres.
- Provide support through brochures or online information alongside MBIE to ensure sufficient information is available to employers about how to access the frontloaded process and Work and Income resources.
- Cooperate with existing cross-agency and industry governance structures to manage the implementation and review of the process.

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23 December 2014

Queenstown tourism industry working group  
Ministry of Social Development  
Ministry of Business, Innovation and Employment  
Tourism Industry Association of New Zealand  
Tourism Export Council of New Zealand

Dear working group members

**Labour Market Check process for the Queenstown 2014/15 season**

On Thursday 18 December 2014, you or representatives from your agency attended a meeting to discuss labour issues for the current tourism season in Queenstown. Recent consultation with the Minister and Associate Minister for Tourism had identified an immediate need for a fast-tracked process for recruitment in the industry, including a front-loaded Labour Market Check (LMC) process, over this summer's peak season.

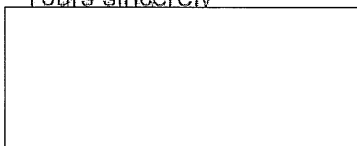
Members agreed that such arrangements could be made for the 2014/15 season, but would be temporary in nature. Further work is required to address the issues of attraction, education, and up-skilling within the sector nationwide. Members agreed to work collectively to develop a strategy in the medium- and long-term.

The Ministry for Social Development committed to develop arrangements to front-load the LMC process for 'tourism' roles within Queenstown for a period of six months, ending 30 June 2015. This will also be supported by an LMC exemption list of roles that are unlikely to be filled in that time. These roles will be automatically supported through the Labour Market Test process.

Following consultation, members have agreed the process and exemption list, which are attached to this letter.

I would like to thank everyone who participated for their time and effort in consulting on the Queenstown arrangements. I look forward to further constructive discussion on the longer-term needs of the tourism sector, and identifying opportunities for New Zealanders to work in the industry.

Yours sincerely



Section 9(2)(a) Privacy of natural persons

Deputy Chief Executive Advisor  
Ministry of Social Development

## Labour Market Check process for Queenstown 2014/15 season

### Parties

- Ministry of Social Development
- Ministry of Business Innovation and Employment
- Tourism Industry Association of New Zealand
- Tourism Export Council of New Zealand

### Engagement principles

- All parties see the opportunities in working in a partnership in the best interests of New Zealanders, the country and the New Zealand economy.
- All parties will have an established and ongoing relationship and agree to share information collectively.
- All parties will dedicate a relationship contact for immigration matters related to their industry group.

### *What we mean by partnership*

- Act honestly and in good faith
- Communicate openly and in a timely manner
- Work in a collaborative and constructive manner
- Recognise each other's responsibilities and accountabilities

### Scope of the arrangements

The Labour Market Check arrangements for Queenstown will cover roles for those agencies represented by the Tourism Industry Association of New Zealand and the Tourism Export Council.

'Queenstown' is defined as the Queenstown Lakes District, including Wanaka, Glenorchy and Kingstown.

The process will start effective immediately (24 December 2014) and run until the end of June 2015, or until otherwise directed by agencies (noting other Government work streams that may impact nationwide LMT processes).

### Immediate actions

Industry will provide roles, both high and low skilled, that they anticipate will be in high demand for recruitment over the coming season. The regional labour market team will assess those for current skills matches amongst beneficiaries and provide regional data (anonymised, indicative information only, not for profiling purposes).

For roles that MSD determines it is unlikely to find, MSD will provide a list back to industry and MBIE stating that those roles should be exempt from the Labour Market Check. Employers will be able to go straight to MBIE (INZ) and will only have to provide evidence of their wider labour market advertising (as prescribed in the Labour Market Test process).

- MBIE notes that 'single channel' advertising may be appropriate in some cases, depending on the channel (digital, paper or other) and the timeframes involved. These will be tested on a case-by-case basis.

For roles that MSD determines it is likely to find candidates, MSD will start looking at identifying those people to see if they may be interested in work in Queenstown. Industry will provide indicative recruitment timeframes so MSD can phase and plan for recruitment periods.

As some role classifications are likely to cover both high and low skilled positions, where there is insufficient information to separate or define the roles appropriately, they will continue to be subject to the Labour Market Check. These roles will be provided to all parties so employers and MSD are able to interact constructively on a case-by-case basis to determine whether a role should be listed as a vacancy.

#### **Tourism vacancies not exempted from LMC process**

Employers wanting to fill roles through the season will first contact MSD via the Queenstown Community Link – employers can contact work broker Section 9(2)(a) Privacy of natural persons or via email on S 9(2)(a)

MSD will work with employers to identify the skills they require, including any subsidies or other financial support. Appropriate vacancies will be listed for a period of at least 10 days. A dedicated team of three Job Connect staff will manage all Queenstown vacancies.

Where a role can't be filled, either at the end of 10 days or in cases where it is immediately apparent a role will not be filled, Job Connect will refer to the region to issue a recommendation for the Labour Market Check. A letter of recommendation will be issued within 24 hours ('same day' target). The employer can then progress straight through the rest of the Test with INZ.

#### **Candidate profiling**

Where it is identified that candidates are available, Job Connect will contact the candidates directly to arrange any interviews. Job Connect will work with the employer and regional labour market team to arrange interviews and provide facilities as required.

Any employer queries, concerns or complaints will be managed directly through S 9(2)(a) Queenstown work broker. Section 9(2)(a) Privacy of natural persons

#### **Oversight and governance**

MSD, MBIE and industry representatives from the Tourism Industry Association and Tourism Export Council will jointly oversee the arrangements in Queenstown.

MSD and MBIE will:

- report jointly to the Minister for Social Development and the Minister of Immigration as required
- work with Ministers' Offices to jointly manage any updates to the Minister or Associate Minister for Tourism as required.

Agencies and industry representatives will meet in January 2015 and then as required to discuss issues and progress.

## Queenstown 2014/15 Labour Market Check exemption list

The following occupations in Queenstown are exempt from the Labour Market Check process for the period 24 December 2014 to 30 June 2015.

Occupation	ANZSCO code	ANZSCO skill level	Number of Labour Market Checks processed in past 6 months in Queenstown
Chefs	351311	2	121
Duty Managers	141311	2	79
Food and Beverage	431511	4	65
Receptionists	542133	4	35
Restaurant Supervisors	431411	3	28
Head Housekeepers	431411	3	12
Assistant Managers	141311	2	10
Chinese Market Coordinators/Tour Guides	451412	4	9
Cooks	351411	3	9
Tandem Pilots/Raft Guides	451412	4	8
Tourist Guides	451412	4	8
Activities Coordinator	451412	4	6
Senior Activities Coordinator	451412	4	4
Guest Service Agents	431912	5	3
Boat Hosts	452299	4	3
Jump Masters	452211	4	3
Gondola Shift Leaders	451412	4	2

The following roles, while in high demand, are generally low or unskilled positions and are not exempt from the Labour Market Check process.

These roles have been separately identified as they often require specific skills or languages, which may limit the number of New Zealanders available to do the work. MSD will work closely with employers to identify where this may be the case to ensure the Labour Market Check can be fast-tracked through to Immigration New Zealand.

Occupation	ANZSCO code	ANZSCO skill level	Number of Labour Market Checks processed in past 6 months in Queenstown
Room Attendants	431999	5	67
Kitchen Hands	851311	5	38
Cleaners	811211	5	22
Housekeepers	811411	5	14
Night Porter	431912	5	10

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## BRIEFING

# Definitions of key terms to support the labour market test for Essential Skills policy

<b>Date:</b>	31 July 2014	<b>Priority:</b>	Medium
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	REP/14/7/666 0189 14-15

## Purpose

This paper seeks your agreement to:

- the revised definitions of three key terms used by Immigration New Zealand and Work and Income to determine whether a New Zealander could undertake work where an employer is seeking to employ a migrant for a low-skilled job, and
- publishing these definitions on the Ministry of Social Development (MSD) and Immigration New Zealand (INZ) websites by September 2014.

## Executive summary

Work visas granted under the Essential Skills policy are temporary, and while predominantly used to recruit higher skilled workers, are also used for lower-skilled work. For lower-skilled work INZ must seek advice from Work and Income about the availability of people on benefits to undertake this work. This advice forms part of the evidence INZ seeks to ensure that New Zealanders have first access to available jobs and, alongside other information, informs its decisions on approving or declining a temporary work visa.

In November 2013, the Minister for Social Development and the Minister of Immigration agreed to officials consulting with external stakeholders on the definitions of three key terms ('available', 'suitable' and 'able to be trained') used to determine whether a New Zealander could undertake work where an employer is seeking to employ a migrant for a low-skilled job.

The terms 'available' and 'suitable' are already used by Work and Income and defined in the Social Security Act for welfare purposes. For example, a person receiving Jobseeker Support who has work obligations must be available for work to meet these obligations.

The definitions in Annex One are specific to the labour market test for the Essential Skills policy and Work and Income's advice to INZ. There are some similarities to those terms used by Work and Income for welfare purposes. Work and Income will apply its own Act in a way that best fits its processes while continuing to adhere to the specific meanings of the definitions in their day to day practice for the purposes of providing advice to INZ.

Officials expect that by implementing these revised definitions, the clarity and consistency of the advice Work and Income provides to INZ will improve, and the process for approving or declining visas, by INZ, will be more transparent.

The overall impact of these terms being defined is likely to be small as there are a number of factors that determine the quality of the decision-making. The most significant change relates to jobs classified at level 5 of the Australian and New Zealand Standard Classification of Occupations (ANZSCO) which require the least skills of all ANZSCO levels. At this level, all New Zealanders will be considered able to be trained to do the work on offer.

Officials seek your agreement to publishing the revised definitions on the MSD and INZ websites by September 2014 so that they are accessible to employers and the general public. INZ's immigration instructions and related temporary work visa publications will also be updated. Work and Income will undertake training with staff as part of implementing the definitions of these terms.

## Recommended action

The Ministry of Business, Innovation and Employment and the Ministry of Social Development recommend that you:

- a. **agree** that the definitions of three key terms (contained in Annex One), be used by Work and Income and Immigration New Zealand to determine whether there are New Zealanders, including people on benefits, available for work as part of the labour market test under the Essential Skills policy

*Agree / Disagree*

- b. **agree** to the definitions being published on the Ministry of Social Development and Immigration New Zealand websites by September 2014

*Agree / Disagree*

- c. **note** that Immigration New Zealand will add the definitions into immigration instructions and will update related temporary work visa publications.


*Noted*



Anna Butler

General Manager, Housing, Income Support  
and Employment Policy  
Ministry of Social Development

30/7/14



Rob Stevens

General Manager, Service Support  
Immigration New Zealand, Ministry of Business,  
Innovation and Employment

30/7/14

Hon Paula Bennett  
Minister for Social Development

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Hon Michael Woodhouse  
Minister of Immigration

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## Background

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- 1 In November 2013, the Minister for Social Development and the Minister of Immigration agreed to the Ministry of Business, Innovation and Employment (MBIE) consulting with external stakeholders on the definitions of 'available', 'suitable' and/or 'able to be trained', used in the labour market test. The labour market test assesses whether the employer has made a genuine attempt to recruit suitable New Zealand workers who are available to do the work, or could be trained to do the work where they have no experience.
- 2 The terms, as defined in Annex One, are specific to the labour market test for the Essential Skills policy and Work and Income's advice to Immigration New Zealand (INZ). This is different to how Work and Income interprets the terms 'available' and 'suitable' which have a specific meaning for welfare purposes and are defined in the Social Security Act. For example, a person receiving Jobseeker Support who has work obligations must be available for work to meet these obligations. The term 'suitable' is also used by Work and Income to determine what kind of work is 'suitable' for a jobseeker and takes into consideration factors such as, skills and experience required and the job's location.
- 3 Work and Income will apply its own Act in a way that best fits its processes while continuing to adhere to the specific meanings of definitions in their day to day practice for the purposes of providing advice to INZ.

## Work and Income's advice informs INZ's decisions

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### **Under the Essential Skills policy, officials check whether there are New Zealanders available to do the work**

- 4 INZ undertakes labour market tests for temporary work visa applications under the Essential Skills policy<sup>1</sup>. Work visas granted under the Essential Skills policy are temporary, and while predominantly used to recruit higher skilled workers, are also used for lower-skilled work. When conducting these tests, an immigration officer may take into consideration various information including:
  - the employer's case that there is a shortage of New Zealanders,
  - evidence of genuine attempts made by the employer to find a New Zealand worker and
  - advice from Work and Income about the availability of people on benefits.
- 5 For lower skilled work, immigration officers must seek advice from Work and Income. The consistency of the information Work and Income provides to INZ affects the quality of the decisions made by immigration officers in determining whether to approve or decline these visas. In effect, the labour market test requires immigration officers to balance competing objectives – protecting jobs for New Zealanders while also recognising that employers are best placed to determine who is suitable to perform the work.

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<sup>1</sup> Unless the occupation is on one of the Essential Skills in Demand lists.



**There has been a lack of clarity and consistency as to how Work and Income forms its advice on whether people on benefits could undertake work and how INZ uses it**

- 6 There has been no common understanding of the terms 'available', 'suitable' and 'able to be trained' by Work and Income, INZ or employers in relation to the labour market test. This lack of common understanding of these terms has caused inconsistent outcomes and frustration for employers who have expressed concern about the lack of transparency in the process and understanding of how decisions are made. At the same time, people on benefits may not be gaining access to job opportunities that they are suitable for if INZ approves a visa allowing a migrant to fill a position.

**Officials consulted with selected external stakeholders**

- 7 Consultation with selected industry groups and immigration adviser and lawyer associations took place in late 2013. In general, feedback received focussed on how employers view themselves as being in the best position to determine if a person is suitable to perform the work on offer. More detailed feedback is outlined in Annex Two and a list of external stakeholders consulted in Annex Three.
- 8 Work and Income also consulted extensively with regional offices and relevant groups within National Office.
- 9 Following external feedback and internal discussions, officials recommend minor changes to the definitions and wording of two terms. Instead of defining 'suitable' and 'able to be trained', definitions are proposed for the terms:
- 'suitable New Zealand citizens or residents who can take up the work on offer' and
  - 'suitable New Zealand citizens or residents who can readily be trained to do the work on offer'.
- 10 Defining these terms, as outlined in Annex One, achieves the same objective of consistency as the terms 'suitable' and 'able to be trained', but are clearer within the context of INZ's immigration instructions and visa decision making process.

**A common understanding of the definitions will strengthen the labour market test**

- 11 The overall impact of defining these terms is likely to be small as there are a number of factors that determine the quality of the decision-making. The most significant change relates to jobs classified at ANZSCO level 5 which require the least skills of all ANZSCO levels<sup>2</sup>. At this level, all New Zealanders will be considered able to be trained to do the work on offer.
- 12 Officials expect that by having a common understanding of these definitions, it will:
- create greater consistency within Work and Income in how it determines whether people on benefits are available, suitable and/or readily able to be trained,

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<sup>2</sup> While Work and Income does not use ANZSCO, there are mechanisms in place to match the jobs INZ sends through to the O\*Net classification system used by Work and Income. The O\*Net occupation data is considerably more detailed than the ANZSCO occupation data and therefore allows more accurate matching of clients to jobs so better caters to Work and Income's matching role.

- give INZ more confidence in the consistency of advice from Work and Income on the availability of people on benefits, and
- provide greater transparency for employers in understanding how Work and Income determines whether it has clients available and in understanding how INZ makes decisions.

## Next steps

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- 13 Officials seek your agreement to publish the definitions on MSD and INZ's respective websites by September 2014 meaning they will be readily accessible to employers and the general public. If approved, both agencies will advise staff of the definitions in advance of publication.
- 14 INZ will incorporate the definitions into immigration instructions. While use of the terms will be primarily focused on the advice from Work and Income for ANZSCO levels 4 and 5, they will apply generally to the labour market test for all ANZSCO levels under the Essential Skills policy.
- 15 INZ will also update related temporary work visa publications to ensure employers have access to information about the labour market test, including how advice from Work and Income is considered as part of that process.
- 16 Following approval by Ministers, Work and Income's Regional Commissioners (RCs) will advise regional staff of the new definitions and their expectations that staff use the definitions when determining whether people on benefits are available. Given that RCs currently sign out Work and Income's advice to INZ at the regional level, RCs will be able to ensure that the process is robust and the advice is consistent with the terms as defined in Annex One. The RCs will also be responsible for ensuring training is provided to work brokerage teams in service centres. Work and Income's National Commissioner will discuss the changes with RCs and Regional Directors at their next monthly meeting.
- 17 In addition to this operational improvement, on 25 June 2014, Ministers at the Skilled and Safe Workplaces meeting were informed of a joint immigration/welfare project officials are undertaking. This work takes a broader look at five industries which appear to be relying on low to mid-skilled migrant labour to fill vacancies. The projects will develop initiatives in each industry with the aim of addressing some of the barriers to New Zealanders working in these jobs. Defining key terms to support the labour market test is an operational improvement which complements this broader work.

## **Annex One - - Definitions of key terms used in labour market test**

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### **Definition of 'available New Zealanders'**

New Zealand citizens and residents are considered to be 'available' if, as a result of a labour market test, an immigration officer establishes that there are:

- suitable New Zealand citizens or residents who can take up the work on offer, or
- suitable New Zealand citizens or residents who can readily be trained to do the work on offer.

### **Definition of 'suitable New Zealand citizens or residents who can take up the work on offer'**

A suitable 'New Zealand citizen or resident who can take up the work on offer':

- is located in the local region, or is willing and able to move to that region and
- can practically make it to the workplace, for example has suitable transport, and
- is available for work at the hours required by the employer (at least 30 hours per week), and
- has previous work experience and/or is qualified in the position listed under the current ANZSCO requirements for that occupation; and
- has other prerequisites identified by the employer to perform the role which are determined by Immigration New Zealand to be reasonable. This could include (but not limited to):
  - having a driver's licence or ability to get one,
  - being fit enough to do the work or not have any medical or other reasons why they cannot perform the work, especially for physical work,
  - being able to pass health, drug and criminal checks if required, or
  - other skills, work experience or qualifications.

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#### Notes:

Local region is defined based on the regions used by Work and Income - <http://www.workandincome.govt.nz/about-work-and-income/regions/>

At ANZSCO skill level 5, work experience and qualifications will not be relevant.

Where other pre requisites are needed to perform the role an employer must explain why and demonstrate that the remuneration offered reflects those requirements. This information will be considered as part of the labour market test process.

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### **Definition of 'suitable New Zealand citizens or residents who can readily be trained to do the work on offer'**

A 'suitable New Zealand citizen or resident who can readily be trained to do the work on offer':

- is located in the local region, or is willing and able to move to that region and
- can practically make it to the workplace, for example has suitable transport, and
- is available for work at the hours required by the employer (at least 30 hours per week), and
- has other prerequisites identified by the employer which are determined by Immigration New Zealand to be reasonable. This could include (but not limited to):
  - having a driver's licence or ability to get one,

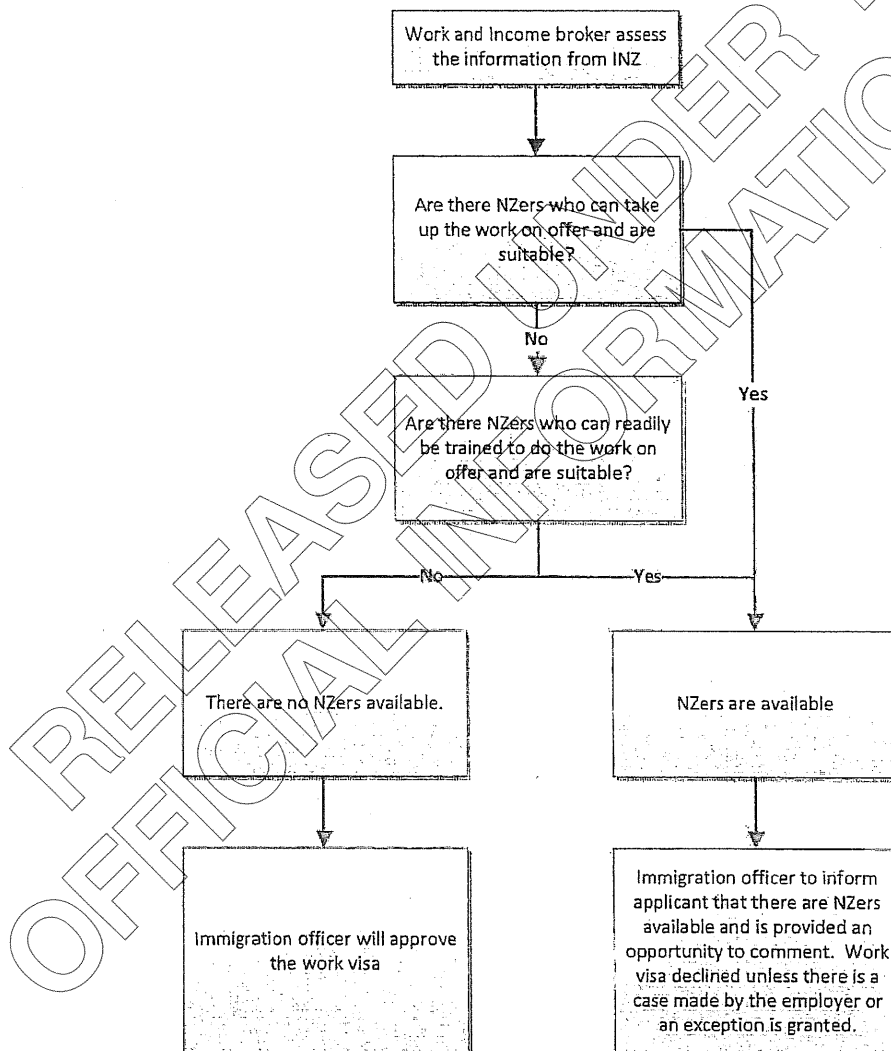
- o being fit enough to do the work or not have any medical or other reasons why they cannot perform the work, especially for physical work,
- o being able to pass health, drug and criminal checks if required; and
- does not have specific qualifications or work experience required for position listed under the current ANZSCO requirements for that occupation or other qualifications, work experience or skills identified by the employer, but with training would be able to do the work on offer.

Notes:

Local region is defined based on the regions used by Work and Income - <http://www.workandincome.govt.nz/about-work-and-income/regions/>

All positions at ANZSCO skill level 5 are positions which New Zealand jobseekers, including Work and Income clients, are considered to be 'readily able to be trained' to do the work on offer.

Employers must outline what training requirements are needed. This information will be considered as part of the labour market test process.



## Annex Two - Feedback from external stakeholder consultation and changes

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### *Suitability of New Zealanders*

Feedback from stakeholders highlighted that other requirements, such as communication or teamwork skills or passing drug and medical tests, are often more important than the qualifications or work experience listed in ANZSCO.

In response the definitions have been slightly changed as follows:

- Employers will need to outline the specifications for the position including if the position is drug tested or requires a Police check. Where Work and Income knows that certain people would not meet the employer's specifications, Work and Income would not advise INZ that they are available as part of the labour market test process.
- There may be situations where special skills are needed, for example, a second language. Employers will need to outline why these skills are necessary to perform the role. If considered reasonable, Work and Income would advise INZ that there are people available where they have these specific skills.
- In some cases employers are seeking a person with more experience than what is provided in ANZSCO. ANZSCO sets a minimum standard for qualifications and experience. To test if there is a genuine need for higher levels of experience or qualifications the employer will need to explain why and demonstrate that the remuneration offered reflects the additional experience or qualification required. If considered reasonable, Work and Income would only advise that people were available where they had this additional experience. If Work and Income considered that people could be trained to this level their advice would state this.

### *Able to be trained*

Stakeholders felt it was important to define what a reasonable timeframe for training is, and in some cases considered it unreasonable for employers to bear the burden of training when they have identified a suitable person, whether that person is a new migrant or a migrant who holds a current work visa.

It is difficult to specify an appropriate training time across a range of industries and occupations. An individual's ability to learn new skills also varies depending on their previous experience and capacity to undertake new tasks. A note has been added to the definition in Annex One indicating that an employer should outline training requirements. These training requirements will be assessed as part of the labour market test to determine if they are reasonable and Work and Income would advise INZ that there are people available if they could be trained at the required level.

### *Other*

Employers thought it important that New Zealanders not only be available for work but also 'be willing' to take up the work on offer. However, jobseekers who have work obligations may be required to take up a job where one is offered even if they are not 'willing'. Given this reason, officials have not included any reference to willingness in the definitions.

## Annex Three – External stakeholders consulted

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- Business New Zealand
- Employers' and Manufacturers' Association (Northern)
- Auckland Chamber of Commerce
- Canterbury Employers Chambers of Commerce
- Otago-Southland Employers' Association
- New Zealand Industry Training Organisation
- Hospitality Association of New Zealand
- New Zealand Aged Care Association
- Bus & Coach Association New Zealand Inc
- Federated Farmers of New Zealand
- Meat Industry Association of New Zealand
- New Zealand Retailers Association
- Restaurant Association of New Zealand
- Retirement Villages Association
- Road Transport Forum New Zealand
- Tourism Industry Association New Zealand
- Horticulture New Zealand
- New Zealand Fishing Guild
- New Zealand Association for Migration and Investment
- New Zealand Association of Immigration Professionals
- Immigration and Refugee Law Committee, New Zealand Law Society

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