



EMPLOYING OVERSEAS WORKERS – WHAT THE INDUSTRY NEEDS TO KNOW

The process to employ and retain New Zealand workers is often challenging. When it comes to employing workers from overseas there are many more processes, risks and requirements which must be considered.

The requirement for a Work Visa

A person who is not a New Zealand (or Australian) citizen or resident **must** hold a work visa to undertake **any** work in New Zealand. This includes work which is paid for by wages or even with food lodgings.

There are many types of work visas. Those relevant to trackwork riders and jockeys are summarised below.

Working Holiday Visa

Many people who come to New Zealand and work in the equine industry first arrive on a Working Holiday Visa (WHV). Permanent employment is not allowed. The WHV application process is quick, flexible and a good first option. **Note** – there is no Working Holiday Scheme with India.

Essential Skills Work Visas

The normal process to obtain a work visa for an overseas worker requires the New Zealand employer to show evidence they have made a genuine attempt to recruit or train a New Zealander. If the role is on the current Immigration New Zealand (INZ) Skills Shortage Lists, and the overseas applicant has the required credentials, there is no need to advertise.

The roles on the current Immediate Skills Shortage List (ISSL) are detailed at Appendix A.

A trainer or stud farm can offer employment in one of these positions, in the location specified, to a prospective overseas employee who can provide evidence of the listed requirement(s).

If the role is not on a Skills Shortage List, or the applicant does not meet the criteria on the ISSL, then the role must be advertised and a genuine effort made to recruit or train a New Zealander. If this is not successful, and WINZ confirm no suitable applicants, a work visa application can be made for an overseas applicant who has the required credentials.

Apprentice Jockeys

They are in a separate work visa category and the roles do not need to be advertised. To obtain a work visa to undertake an apprenticeship in New Zealand, the applicant must be aged 16 years or over, have an apprentice jockey job offer from a New Zealand trainer, and a guarantee of maintenance and accommodation from New Zealand Thoroughbred Racing.

About work visas

Work visas are issued for the period of employment (or apprenticeship) or for 2 years. The holder can travel in and out of New Zealand during this time. The employee can only work for the employer and in the role and location specified. This must be complied with by both parties. To change **any** of the visa conditions a Variation of Visa Conditions must first be approved by INZ. The employee does not need to leave New Zealand to apply.

A Trackwork rider must apply for an apprentice jockey/jockey work visa before they can ride in official meetings.

The employment process

Due care and checking is required to ensure the person has the skills and experience to undertake the job to the level required. Employers need to directly check that an applicant's credentials are true. Do not accept anything at face value.

A suggested checking process could be:

- Contact the rider directly in the first instance by both email and phone.
- Use the internet to search for and confirm any race rides, look at any video footage, and get the contact details of the trainer and Stipendiary Stewards.
- Contact the applicant's existing and/or previous employers to confirm the dates of employment and to check their skills, experience and other attributes.
- Contact the Stipendiary Stewards where an applicant rides and get their opinion.
- Check all references for each country where they state they have worked.

As English is the language required to work in New Zealand, it is important to be satisfied the applicant's English language skills are acceptable.

Employment documentation

This is the Offer of Employment letter and the Individual Employment Agreement. They must comply with New Zealand employment law. The key issues are:

- Work times and total weekly hours are clearly detailed.
- The pay rate is above the minimum wage rate.
- Work on public holidays must be lawfully recognised.
- A clear job description is included.

The New Zealand Trainers' Association website has useful templates - www.nztrainers.co.nz

The work visa process

This is done online and does not require the original documents. As well as personal documents, applicants must provide the required employment documentation. If applying under the Skills Shortage List they must provide evidence of their relevant work experience. INZ will directly verify all documents, and may contact the applicant directly. About one-third of visa applications are declined by INZ.

Work visas can take from 2 – 5 weeks to process. Workers in New Zealand who are applying for a work visa extension should apply at least 6 weeks before their existing visa expires.

The application fee is approximately \$300. Applicants can appoint a New Zealand Licensed Immigration Adviser (www.iaa.govt.nz) or a New Zealand lawyer to assist. Fees may range between \$1,000 - \$2,000.

Permanent Residence

Applicants must have an offer of skilled employment and meet the requirements of the Skilled Migrant residence category. Jockeys and horse trainers can be classified as skilled employment in certain situation. A Trackwork rider is **not** classified as skilled employment. A Trackwork Rider is **not** classified as skilled employment and cannot be used to apply for residence. Skilled Migrant residence applicants must also meet a high English language threshold.

Summary

- Check all information and references for job applicants
- Have compliant employment documentation.
- Ensure the work visa application is accurate and completed in a timely manner.
- Work visa extensions should be prepared in advance of the visa expiry date.
- Provide support to help the employee settle into their role.

Thanks to Richard Howard, Managing Director of Pathways New Zealand Ltd for his contribution. Richard is available to assist you with any enquiries – info@pathwaysnz.com

Appendix A – Immediate Skills Shortage List

Position	Requirements	Location
Stallion Master	A minimum of four years' relevant work experience	Waikato/Bay of Plenty
Stud Groom	A minimum of three years' relevant work experience, including at least one year's experience as a stud groom and one year's yearling preparation experience	Waikato/Bay of Plenty
Jockey	Completed an Apprenticeship under the Rules of Racing in their country of origin and clearance from that authority	Waikato/Bay of Plenty, Central North Island, Canterbury/ Upper South Island, Otago/Southland
Trackwork Rider	Completed an Apprenticeship under the Rules of Racing in their country of origin or a minimum of three years' relevant work experience	All regions

Note

If an applicant does not meet the above criteria the role will need to be advertised, and the Essential Skills Work Visa process followed.