



NEW ZEALAND
IMMIGRATION

Are you recruiting migrant workers from the Philippines?

What you need to know

A guide for employers



MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT
HĀKINA WHAKATUTUKI

immigration.govt.nz



Tips and Information

– Key tips and information in each section of this booklet are highlighted using the symbols below.

TIP —

i immigration.govt.nz/employers

The Ministry endeavours to the best of its ability and knowledge to ensure that the information in this guide is accurate and current. However, we cannot accept any liability for the accuracy or content of material in this guide.

You should take specific advice from qualified, professional people before undertaking any action as a result of information in this guide.

The information provided does not replace or alter the laws of New Zealand or the Philippines and other official guidelines or requirements.

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How can this guide help you?

Employing migrants can be quite different from employing New Zealanders and new migrant workers may need quite a lot of help from you, particularly when they first arrive. It can take time for new migrants to adjust to living and working in New Zealand.

It is important that you, as their employer, have access to information and support to help integrate them into work and life in New Zealand, even if they are working here on a temporary basis.

Migrant workers from the Philippines are increasingly important to a number of New Zealand employers seeking to fill labour and skill shortages.

Filipino migrant workers overseas are greatly valued by the Philippines government. Their remittances from overseas earnings play an increasingly large role in the Philippines economy, contributing to economic growth and to the livelihoods of the Filipino people. The welfare of these overseas workers is of great importance to the Philippines government.

When you recruit from the Philippines you must follow the legal requirements of both the New Zealand and Philippine governments. These requirements are outlined in this guide. This guide is not a substitute for detailed legal advice.

This guide also contains practical tips and information to help you understand the recruitment process and better support your migrant workers. It can be used by business owners, human resources managers, legal advisors and business advisory services.

Find out how to:

- › decide if you are ready to recruit workers from the Philippines
- › work out the most appropriate way for you to recruit workers from the Philippines
- › save costs by understanding the legal processes and best practice.

TIP — For queries about organising migrant visas or any compliance issues relating to employing migrant workers, contact:

(i) Immigration New Zealand on 0508 55 88 55, or visit immigration.govt.nz/employers



Are you ready to recruit from the Philippines?

Determining if your business is ready and able to recruit workers from the Philippines is the most important step in the recruitment process.

Where to start

Here are some key questions you need to answer to determine if you are ready and able to recruit:

› **Is recruiting workers from the Philippines the right option for your business?**

Your business needs to have sufficient resources to cover both the full recruitment process in New Zealand and in the Philippines[●], and be aware you may need to provide some practical support to your Filipino workers while they are in New Zealand.[●]

› **Can you provide sufficient care for your Filipino workers?**

You will need to arrange suitable accommodation when your workers arrive, which either you or they will pay for depending on your employment agreement with the worker.[●] Expect that your Filipino workers will need an orientation period when they arrive, Worksafe and site-safe briefings, and on-going support including outside of work, for the duration of their contract.[●]

› **Are you prepared to pay the full recruitment costs for each worker?**

Expect to pay around \$4,000–\$5,000 per worker to cover recruitment and placement fees. Under Philippines law you must also cover your workers' airfares. ● Skills testing (including English competency, driving competency and first aid) is recommended and will incur separate costs. ● Costs for trade testing are best covered by your business to ensure the testing meets your requirements. ● It is also recommended that you visit the Philippines to conduct final interviews in person.

› **Do you know skilled work visa holders must be employees?**

All workers you bring to New Zealand must be employed by your business and cannot be engaged as independent contractors. ●

› **Do you have the financial capacity to pay workers for a minimum of 30 hours per week throughout their contract period, even in the downtimes?**

If your work for a client ends, you will still need to pay your Filipino workers for a minimum of 30 hours per week to meet the minimum wage until their contract period finishes (unless the employment contract is terminated with the required notice ●).

Where to find answers to your questions

Speaking with other New Zealand employers who have recruited from the Philippines is a good first step to finding answers to any questions you may have. They will be able to share their experiences with you and help you determine if your business is ready to recruit.

Contacting a New Zealand recruitment agent who recruits workers from the Philippines, an immigration lawyer or a licensed immigration advisor can also help with any questions you may have.

Engaging and working with recruitment agencies

Once you are ready to begin the recruitment process, you need to decide if you want a New Zealand recruitment agent to recruit on your behalf, or whether you want to work directly with a Philippines Overseas Employment Administration (POEA) licensed recruitment agent in the Philippines.

The POEA is the Philippine government agency responsible for granting exit clearance to Filipino workers. Immigration New Zealand (INZ) is responsible for deciding their visa applications. You must comply with the legalities of both governments and their respective agencies – the POEA when workers leave the Philippines, and INZ when they enter New Zealand.

TIP — For more information on ‘what is a licensed POEA recruitment agent?’ see page 16

If you are recruiting Filipino workers, you must recruit through a POEA licensed agent if employing more than five workers. This is a legal requirement of the Philippines Government. If you are employing up to five workers, you can recruit them without using a POEA licensed agent, as long as you work within the 2016 POEA Rules and Regulations, use due diligence and seek expertise as required.

If you are recruiting from the Philippines it is helpful if you appoint a New Zealand recruitment agent to work on your behalf. They will engage a licensed POEA recruitment agent to manage the recruitment process in the Philippines.

Some New Zealand recruitment agents are also POEA licensed recruitment agents and can run the full recruitment process themselves without using a Filipino recruitment agent as an intermediary.

You may wish to visit the Philippines to ensure the POEA licensed recruitment agent clearly understands your needs and expectations.

How to engage licensed recruitment agents in New Zealand and the Philippines

When seeking to engage either a New Zealand or Philippine POEA licensed recruitment agent, you need to do your research and verify that the agent is a good fit for your needs. The responsibility sits with your business to ensure you are fulfilling your legal obligations as an employer under New Zealand law and under Philippines law.

Recommended questions to ask a licensed recruitment agent include:

- › **What experience do you have in recruiting Filipino workers for the New Zealand market?**
- › **How many Filipino migrants have you recruited for New Zealand?**
- › **Who are your key New Zealand clients?**
- › **Which fee model do you use? (see page 8)**
- › **What are the volumes of visa applications you are processing?**

Other questions you could ask the POEA licensed recruitment agent include:

- › **How do you assess that the Filipino workers you select have the right skills?** Having a formal process to determine workers have the right skills you require is vital.
- › **What skills assessment do you undertake for trade workers?** Trade skills need to be demonstrated and measurable to ensure they meet the standards required in New Zealand.
- › **What additional administrative processing or application fees will be charged to the Filipino workers?** This is a good way to check for any extra or hidden costs.

Understanding how recruitment fees work

Employer costs for hiring Filipino workers

Recruitment agencies in New Zealand and the Philippines charge a service fee to an employer which covers recruitment and placement fees. Under Philippines law you will be required to cover recruitment, relocation and immigration costs for employees from the Philippines.

Fee Models

There are two fee models – the ***Upfront Cost Model*** and ***Contracted Model***.

Under the ***Upfront Cost Model***, as a New Zealand employer you can expect to pay on average NZD\$4,000–\$5,000 per employee using either a New Zealand recruitment agent directly or through a POEA licensed recruitment agent. In most instances this does not include airfares, but may include skills testing.

As best practice, most New Zealand employers pay for skills and trade testing as part of the overall recruitment costs. This will ensure the testing meets your requirements.

You must also pay the following costs to meet the requirements of the Philippines Government¹:

- › POEA processing
- › worker membership with the Overseas Workers Welfare Administration
- › visa application fee
- › airfare.

As New Zealand is a ‘no placement fee’ country (see page 17) you cannot ‘bond’ a Filipino worker to recoup your recruitment and placement costs or airfares, should they leave their employment early. However, you can require your workers to pay a portion of their relocation allowances back if they leave their employment early. These can include costs such as accommodation, transport, or the cost of tools paid for by the employer.

Under the ***Contracted Model*** however, there are little or no upfront costs for you. Under this model, the New Zealand recruitment agent is the employer of the Filipino worker and, in turn, contracts the worker out to a New Zealand firm. The recruitment agent recoups costs by building a margin into their charge-out rate over the course of the employment agreement. The margin essentially covers all up-front recruitment costs incurred during the recruitment process.

¹ Costs were accurate at time of publication

Costs to the Filipino workers

The Philippines Government determines that the following costs be paid by the Filipino worker:

- › passport
- › trade/skills testing (if necessary)
- › medical examination
- › police/National Bureau of Investigation (NBI) Clearance
- › inoculation when required by New Zealand regulations
- › authentication of documents.

The Filipino workers are also liable to cover fees or costs from Philhealth (health insurance) and Pag-ibig Fund (a mutual fund for overseas employees). It is recommended best practice that workers on two-year work visas or less, obtain additional medical insurance to cover potential disease or injury in New Zealand as they will not be covered under our public health system.



Overview of employer and employee costs

Employer costs	Employee costs
● Recruitment and placement fees	● Passport
● Airfares	● Trade/skills testing#
● POEA processing fee (NZD\$6.00)	● Medical examination
● Worker membership with the Overseas Workers Administration US\$25.00 (NZD\$34.00)	● Police/NBI clearance
● Visa Application Fee (NZD\$270)	● Inoculation (when required by New Zealand regulations)
● Accommodation (can be off-set by financial benefit)	● Authentication of documents
● Food (can be off-set by financial benefit)/Transport costs to and from work (can be off-set by financial benefit)	● Living expenses, eg electricity, telephone, internet
● Full orientation including Worksafe and site-safe briefings	● Work expenses, eg safety gear and tools
● Practical support to settle well in New Zealand	

● New Zealand legal requirement ● Recommended best practice ● Philippines legal requirement

Although Filipino workers are legally required by the POEA to pay for their trade/skills testing, most New Zealand employers are paying these costs themselves to ensure the testing meets their requirements.





Process for New Zealand employers

Recruiting workers from the Philippines

This diagram provides you with an overview of the recruitment process for workers from the Philippines.





EMPLOYER NEEDS & CAPACITY



You and your business determine readiness to recruit from the Philippines



Is recruiting from the Philippines the right option for your business?



Can you provide sufficient care for your Filipino workers, including help with arranging accommodation?



Are you prepared to pay the full recruitment costs for each worker?



Do you know skilled work visa holders must be employees?



Do you have the financial capacity to pay workers a minimum of 30 hours per week throughout their contract period, even in the downtimes?



ENGAGING & WORKING WITH RECRUITMENT AGENCIES



OPTION 1 Engage NZ recruitment agent

OPTION 2 Identify suitable POEA licensed recruitment agent (if more than 5 positions)



You visit the Philippines to determine fit of agency and clarify expectations and contractual agreements



You or your recruitment agent engages POEA licensed recruitment agent



Legal requirement



Recommended best practice



RECRUITMENT PROCESS



You or your recruitment agent submits documentation to Philippines Overseas Labour Office (POLO), Canberra or at a Philippine consul General in Wellington, Auckland or Christchurch to become accredited Foreign Employer (if not already registered)



POLO verifies application and accredits your business as a Foreign Employer



You or your recruitment agent submits Job Orders to POLO, Canberra for approval



POLO certifies Job Orders



POEA Agent advertises position/ identifies suitable candidates



POEA Agent sends candidates details to NZ employer/recruitment agent



You determine which candidates to progress through recruitment process



You or your recruitment agent notifies POEA Agent of selection



POEA Agent interviews candidates and assesses skills



Skills testing undertaken (trade skills, English competency, driving competency, first aid)



Teleconference interviews between yourself and the workers



You visit the Philippines to complete face-to-face interviews and trade-testing



POEA Agent undertakes background checks (referees and Police check)



You send a letter of offer



You draft employment contracts



POEA Agent delivers contracts to Filipino workers



Filipino workers obtain relevant NZ visas

Filipino workers attend POEA Pre-Departure Orientation Seminar (PDOS)

Filipino workers apply to POEA for Overseas Employment Certificates (OEC)

Filipino workers receive Overseas Employment Certificates and prepare to leave Philippines



ARRIVAL & SETTLEMENT IN NEW ZEALAND



Filipino workers arrive in NZ



Pick up your workers from the airport and transfer to pre-arranged accommodation



You and your business provide thorough orientation



You and your business provide OSH and Site-safe briefing



Workers start job (within 5 days of arrival)



You and your business provide ongoing pastoral support, including after-hours support



The recruitment process

Essential things to know

Becoming an accredited Foreign Employer

As a New Zealand employer wanting to recruit in the Philippines, you must first be accredited by the Philippines Government as a Foreign Employer through the nearest Philippines Overseas Labour Office (POLO). For New Zealand, this is in Canberra, Australia. You can also be accredited through the Philippine Consul General, in Auckland, Wellington or Christchurch.

You need to send the following documentation:

- › Special Power of Attorney or Service/Recruitment Agreement with the POEA licensed recruitment agent
- › Master employment agreement which meets New Zealand and Philippine minimum employment standards
- › Manpower request indicating the position and salary of the workers to be hired
- › Business licence, registration certificate or equivalent document or proof of existence of the job validated or certified by a lawyer, notary public, Justice of the Peace or court official
- › Company Extract and Certificate of Corporation.

The POLO or Consul General will then certify and verify your application and then accredit your business as a Foreign Employer. The accreditation will be valid for four years and application for renewal can occur at the end of this time.

Learning about Job Orders

All New Zealand employers seeking to recruit workers in the Philippines must submit a Job Order to the POEA stating their intention to recruit before they begin the recruitment process. The Job Order must be submitted to the nearest POLO. For New Zealand, this is in Canberra, Australia.

The POLO will verify the New Zealand employer and the job site, and review the work offer. You can submit your paperwork at the same time for both accreditation as a Foreign Employer and your Job Order.

Once the Job Order has been certified, recruitment can begin.

What is a POEA licensed recruitment agent?

The POEA formally licenses all recruitment agencies in the Philippines who are recruiting Overseas Filipino Workers (OFW).

It is a legal requirement of the Philippines Government that you use a POEA licensed recruitment agent if you are recruiting more than five Filipino workers.

The POEA licensed agent's activities will include (but are not limited to):

- › interview and selection
- › referral to medical examinations to meet host country and POEA requirements
- › processing of employment contracts
- › assistance in securing passports and appropriate visas
- › pre-employment and pre-departure orientation
- › travel arrangements.

TIP — The POEA has published a list of 26 POEA licensed recruitment agents in the Philippines that have Job Orders in New Zealand. The list can be accessed here:

 poea.gov.ph/cgi-bin/aglist.asp

Can you register with more than one POEA licensed recruitment agent?

Yes, as an employer you can register with up to five POEA licensed recruitment agents, however you must meet the following requirements of the Philippines Government:

- › You and the POEA licensed recruitment agents must offer the same compensation packages
- › You must have verified Job Orders for at least 100 workers, or
- › You must have hired at least 100 workers within a one year period immediately preceding the registration.

What does New Zealand being a ‘no placement fee’ country mean?

In December 2014, New Zealand became a ‘no placement fee’ country which means that under Philippines law, workers in the Philippines being placed in New Zealand jobs cannot be charged recruitment or placement fees. This means you must cover all recruitment and placement costs for your Filipino workers to be granted exit clearance.

Other ‘no placement fee’ countries are the United States, Canada, the United Kingdom, Ireland and the Netherlands.

If a POEA licensed recruitment agent is found charging or collecting placement fees from Filipino workers who are seeking jobs in New Zealand, their license will be cancelled by the Philippines Government and they will no longer be able to operate. The New Zealand employer may also lose their accreditation status.

As an anti-exploitation measure, Immigration New Zealand will decline an application for a work visa where it considers the job was offered as a result of payment made by the applicant (or their agent) to the employer (or their agent) in exchange for securing the offer of employment.



Tips for interviewing workers in the Philippines

Here are some tips for interviewing Filipino workers:

- › Explain that they will not be required to pay any recruitment or placement fees before or after they come to New Zealand
- › Explain what costs they will have to pay in New Zealand, such as income tax and tools if they need to purchase them themselves
- › Explain that while wages are higher in New Zealand, the cost of living is also much higher
- › Ask them what their expectations of coming to New Zealand are. This is a good time to clarify what a temporary visa is and to avoid disappointment as gaining residence is not always possible. A temporary work visa is not an automatic pathway to permanent residence
- › At the end of the interview, ask them to repeat what you have agreed on to ensure you both have the same understanding of what has been discussed.

All employees must be treated fairly in accordance with New Zealand employment law. This includes all temporary migrant workers, Permanent Residents, and New Zealand citizens. For more information, go to:

 employment.govt.nz/minimum-rights

Essential things to know about employment contracts

You must adhere to the minimum rights and obligations that apply to employers and employees in both New Zealand and the Philippines.

Your Filipino workers cannot be asked to agree to less than the minimum rights under New Zealand employment law, to which they are entitled.

The employment contract you prepare for your Filipino worker must also meet the minimum requirements of the Philippines Government. This includes guaranteed wages for regular working hours and overtime pay, free transportation to and from the work site (or offsetting benefit/financial equivalent), free food and accommodation (or offsetting benefit financial equivalent), and just cause for termination of an employment contract which is in-line with New Zealand employment law.

You must provide one employment contract for each Filipino worker. This contract needs to guarantee that they will be paid a minimum of 30 hours per week, which meets the minimum wage throughout the term of their contract while on a work visa. This includes times when you may not have work for them.

The employment contract must be valid for the full term of your worker's employment. You cannot unilaterally change contracts or terms during the time they are employed by you; any change must be by consent and in compliance with statutory entitlement.

Understanding the documentation for Filipino workers

All Filipino workers hired by New Zealand employers must secure an Overseas Employment Certificate (OEC) before they leave the Philippines which certifies the worker has been legally documented as an Overseas Filipino Worker (OFW).

After obtaining a New Zealand visa, a Filipino worker must attend a five-hour pre-departure briefing in the Philippines run by the POEA where they will learn about their rights and entitlements and obligations as an OFW.

After completing the pre-departure briefing, the workers will receive their OEC which details the terms of their employment and matches their Job Order. They must present this certificate to be able to leave the Philippines.

Getting approval to bring workers to New Zealand

Once you have completed the recruitment process and formally appointed your Filipino workers, they will need to apply for their work visas.

For workers from the Philippines coming to work in New Zealand there are two main visa options:

Temporary work visas are for people who either:

- › have a job offer from a New Zealand employer. As the employer, you will need to show that no New Zealand citizens or residents are available to do the job, either by:
 - showing that the job is included in one of the Essential Skills in Demand lists and that the temporary worker has the qualifications and experience stated ([skillshortages.immigration.govt.nz](https://www.immigration.govt.nz/skillshortages)), or
 - providing evidence that you have tried to find a New Zealand worker to fill the position

Or:

- › are coming here for a particular purpose, project or event. For more information visit: [immigration.govt.nz/specificpurposeevent](https://www.immigration.govt.nz/specificpurposeevent)

Residence or Work to Residence visas are based on migrant workers' occupations or skills. The options if migrants want to live in New Zealand permanently are:

- › Skilled Migrant Category – for people who have the skills, qualifications and/or experience New Zealand needs. The Skilled Migrant Category is a points based system. For more information visit: [immigration.govt.nz/skilledmigrant](https://www.immigration.govt.nz/skilledmigrant)

- › Work to Residence – for people who:
 - are qualified in occupations that are on the Immigration New Zealand Long-term Skill Shortage List, or
 - have a job offer from an accredited employer
- › Residence from Work – for people who are already in New Zealand on a Work to Residence visa and want to apply for residence.

All visas require applicants to meet health and character requirements.

TIP — Refer to the Immigration New Zealand website for more information about applying for New Zealand work visas:

 immigration.govt.nz/hirecandidate



At what point do you need immigration or employment advice?

It is up to you to decide to engage an employment lawyer, immigration lawyer, or licensed immigration advisor. Whether you do so involves a range of considerations such as whether you are using a New Zealand recruitment agent or working directly with a POEA licensed agent, as well as your knowledge about the end-to-end recruitment process.

A lawyer or licensed immigration advisor can ensure you are meeting all the legal requirements² throughout the recruitment process.

Lawyers and immigration advisors can prepare all the legal documentation required to recruit from the Philippines and work with your POEA licensed agent to ensure the paperwork is filed. This can reduce the processing time and recruitment costs in the Philippines.

If you are a large firm, you may have an in-house lawyer or licensed immigration advisor running the end-to-end recruitment process for you. As an employer you can not provide immigration advice.

² www.iaa.govt.nz



Supporting your Filipino workers

Providing care for your workers

Care of migrant workers is an essential part of your role as their New Zealand employer.

It is important to have accommodation ready when your workers arrive in New Zealand so they can settle in quickly. Ideally your Filipino workers should have easy access to public transport to get to their work site or they may need to buy a car.

It is advisable to provide an orientation which sets out your expectations and helps your workers become familiar with their environment. This needs to include health and safety rules and a site-safe briefing.

Using other Filipino staff you employ to help you support your workers will make their transition easier. If you do not have any other Filipino staff you may find it helpful to assign them a buddy.

Your Filipino workers may need continued support during their time in New Zealand, including outside of work. It is important to know how you are going to support this need before your workers arrive, so there is a plan in place.

Remember, a well-settled migrant is a productive employee.

Settlement information for new migrants

Immigration New Zealand provides a free and comprehensive information service for new migrants. You can put your migrant worker in contact with these services, which will provide them with information about living in New Zealand – for example where to find a doctor, understanding transport, and local clubs and community groups that they can join.

There are four ways you can help your migrant workers access this information:



Visit newzealandnow.govt.nz



Phone 0800 776 948 to ask questions (they can ask for Language Line to speak to someone in their own language)



Email their questions to newmigrantinfo@mbie.govt.nz



Go to a Citizens Advice Bureau near them.
See cab.org.nz/acabnearyou here for details about the locations.

For most Filipino people, attending church is important. Find out what church your workers may want to attend.

TIP — Immigration New Zealand has prepared specific guides for migrants working in Dairy, Construction and Aged-Care. These can be found at:



newzealandnow.govt.nz/guides




Support when recruiting from the Philippines

There are a number of government agencies and organisations that can help support you while you are recruiting workers from the Philippines:

IMMIGRATION NEW ZEALAND


Information and resources about employing migrants, the visa options available, and how to help your new employees settle in New Zealand


 immigration.govt.nz/employers

 0508 558 855

MINISTRY OF BUSINESS, INNOVATION AND EMPLOYMENT

Information about Employment Relations


 employment.govt.nz

 0800 20 90 20

WORKSAFE NEW ZEALAND


Information about health and safety

 worksafe.govt.nz

 0800 030 040

OFFICE OF ETHNIC COMMUNITIES

For information or advice about ethnic issues

 ethniccommunities.govt.nz

PHILIPPINES OVERSEAS EMPLOYMENT ADMINISTRATION

 poea.gov.ph


VISAVIEW

Enables employers to check if a person who is not a New Zealand citizen can work in New Zealand for that employer

 immigration.govt.nz/visaview-employers


CHAMBERS OF COMMERCE

The Chambers of Commerce throughout New Zealand promote, support and encourage sustainable, profitable business growth. Chambers in Auckland, Wellington and Christchurch have specific migrant-related programmes

 newzealandchambers.co.nz


INTERPRETING NEW ZEALAND

Interpreting or 'spoken translation' to support effective communications between non-English speakers and government agencies or private businesses

 interpret.org.nz

WORKTALK

An online tool designed to improve communication between New Zealand employers or managers and new migrant employees from different cultures

 worktalk.immigration.govt.nz



To view this guide online, visit immigration.govt.nz and search for “Recruiting migrant workers from the Philippines”



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New Zealand Government