

IMPORTANT INFORMATION FOR FOREIGN CREWS WORKING IN NEW ZEALAND FISHERIES WATERS

Welcome to New Zealand. Your work visa allows you to work in New Zealand fisheries waters, for the employer and in the position specified on the visa, until it expires (or you become liable for deportation). New Zealand has rules regarding your rights as an employee and what foreign workers can do. It is very important you are aware of these.

Your rights

Below are the basic legal rights of foreign crew employed on fishing vessels in New Zealand fisheries waters.

- You must have a written employment agreement specific to your employment in New Zealand waters (your 'New Zealand employment agreement'), and you must be given a copy of it in your own language. This will tell you **what your pay is, how it is calculated, and when and how it will be paid**. It will also detail the other terms and conditions of your employment, including what to do if you have a disagreement with your employer.
- You have the right to seek independent advice about your employment agreement before you sign it.
- You must be paid according to the terms and conditions detailed in your New Zealand employment agreement. These terms and conditions must meet, or be better than, minimum requirements imposed by Immigration New Zealand as a condition of granting your work visa.
- **The minimum requirements are:**
 - a. Your wages must be deposited into a New Zealand bank account in your name, unless you request otherwise. In all cases payments must be made directly to you, while you are in New Zealand.
 - b. You must be paid at least the New Zealand minimum wage **plus another** NZ \$2.00 an hour.
You can check the current New Zealand minimum wage at www.dol.govt.nz/er/pay/minimumwage/ or call 0800 20 90 20 during working hours. This call is free.
- c. You must be paid for all hours worked, but in no case for less than 42 hours per week over the course of your engagement.
- d. The only deductions that can be taken from your pay are for:
 - Food – deductions for food must be based on actual costs, but cannot be more than an amount equal to 10% of the minimum wage, calculated on the hours you have worked
 - Visa fees – to check visa fees visit www.immigration.govt.nz or call 0508 55 88 55 during business hours. This call is free.
 - The cost of your airfares to and from New Zealand, if this was paid by your employer.

Note: Deductions for food, visa fees and airfares **are not allowed** to take your pay below the New Zealand minimum wage, calculated on the hours you have worked.

Note: You can agree with your employer that you will pay back money for any personal expenses you request such as phone cards and cigarettes but this must be in writing.
- e. **No other deductions can be taken from pay.** This includes lodging, entertainment or videos, health insurance and protective equipment or protective clothing.
- Check your employment agreement to find out what your pay is and how it is calculated. Remember, nothing in your employment agreement allows you to be paid less than the minimum pay outlined above.
- If you work on a foreign vessel, a New Zealand Charter Party (NZCP) will have guaranteed that you will be paid these minimum wage entitlements. If your employer refuses to pay you these minimum entitlements, you can require the NZCP to pay them. Immigration New Zealand has a copy of the Guarantee signed to protect you.
- **If you are working on a New Zealand-owned or New Zealand-flagged vessel** you may be entitled to extra pay

for working public holidays, and to annual holiday pay. You should get this after 12 months service or at the end of your employment. You may also be entitled to a payment if you cannot work because you are sick.

- You must be paid for all of the hours you work. Hours of work in the fishing industry can vary. Your employer must keep records of the hours you work, which you should sign. However, you are encouraged to keep your own record of the hours you work.
- You must be paid directly by the employer. Your employer must provide you with a personal bank account in New Zealand, in your name, and should pay your wages into that bank account unless you request otherwise. (Cash is the only other payment method allowed.)
- You have the right to work in a safe environment. New Zealand does not tolerate violence against workers or unsafe working conditions. If you experience violence or unsafe working conditions you can complain to the Ministry or the Police. The Police or the Ministry will look into the complaint on your behalf.
- If you are injured or hurt, you should report it to your employer and, if you work on a foreign vessel, to the NZCP.
- **Your employment agreement will include a procedure for resolving any disputes** you have with your employer. This includes any dispute over how much you are paid, or your living and working conditions. **If you have an employment problem try to resolve it using these procedures.**
- **You always have the right to independent representation (separate from any manning agent used to secure employment) in any matter that arises between you and your employer.**
- If you want to know more about these issues, have any other questions, or want to make a complaint you can:
 - Contact the New Zealand company that charters the ship you work on.
 - Contact the Ministry through our website, www.mbie.govt.nz, or call 0800 20 90 20 during business hours.
 - Contact any other relevant union or other crew representative.

Your obligations

- You are only allowed to work for the employer and in the job stated in your work visa. If you work in any other job or for any other employer, you will breach the conditions of your visa and become liable for deportation.
- If your work visa expires, you will be in New Zealand unlawfully and you must stop working and leave New Zealand. You can appeal the obligation to leave New Zealand to the Immigration and Protection Tribunal within 42 days of your visa expiring. If you do not lodge an appeal, you can be taken into custody and deported. This means you could not come back to New Zealand in the future.
- If you have any questions about your immigration status, contact the New Zealand company whose ship you are working on, or contact Immigration New Zealand by calling 0508 558 855, emailing info@immigration.govt.nz or writing to PO Box 3773, Shortland St, Auckland.

Remember

- You cannot work on land or for another employer. **If you do so you will be deported from New Zealand and prohibited from returning.** Do not believe anyone who tells you otherwise.
- Report to your ship's officers, or your New Zealand agent, any approach made to you from people suggesting you leave your work on the ship to work on shore.
- Ensure your seaman's book is always updated. You may require this information for future employment and work visas.