



Engaging contractors for labour supply

A quick reference guide on employment conversations with labour supply contractors.

New Zealand's wine industry has a premium reputation to maintain across all aspects of the industry – how we grow our grapes, the quality of the wine and the way we care for our workforce.

New Zealand Winegrowers is committed to fair treatment of all of our workforce – whether they are employees and seasonal workers you hire, or contract workers you engage through a contractor.

How contractors operate on your property can have serious implications for your business and reputation. So it's important to take a few simple steps before engaging them.

This quick reference guide and checklist outline steps you can take and questions you can ask your contractors so you can be confident their workers are being treated fairly, are receiving their employment entitlements, and are being kept healthy and safe.

What questions should I ask a contractor?

To protect your business it's a good idea to satisfy yourself that the contractor:

- Can demonstrate they will comply with employment obligations
- Can demonstrate their workers are allowed to work in New Zealand – you can ask to see passports and permits or use the tool VisaView to check
- Can demonstrate they will comply with health and safety requirements
- Are properly set up as a company, sole trader or other legal entity
- Have public liability insurance
- Have complied with all Inland Revenue obligations – ask to see a current Certificate of Exemption and/or a letter of compliance
- Have not had actions taken against them for breaches of employment obligations – check the MBIE website

If the contractor does not provide the information or is evasive you should reconsider whether to engage their services.

Where can I get more information?

- NZW's **Working for You** is a detailed guide on employing and contracting labour in the vineyard and winery. It has a section devoted to engaging labour contractors nzwine.com/advocacy
- NZW's Bell Gully Legal Guide nzwine.com/advocacy
- NZW's **Working Well** health and safety guide nzwine.com/advocacy
- MBIE's one stop Employment website that has information on minimum obligations, labour inspectorate contacts and information on recent breaches of employment obligations employment.govt.nz
- Immigration NZ's Visa View tool immigration.govt.nz/employ-migrants/hire-a-candidate/check-a-candidates-visa-status
- Master Contractors website with a register of Master Contractors mastercontractors.co.nz
- RSE team for current RSE policy and processes immigration.govt.nz/employ-migrants/hire-a-candidate/options-for-repeat-high-volume-hiring-new/recognised-seasonal-employer/
- For IRD obligations for contractors go to ird.govt.nz/news-updates/contractor-changes

Quick checklist: engaging a **contractor**

For more detail and explanations, see the **Working for You** guide

✓ **Is the Contractor a Recognised Seasonal Employer (RSE) or a registered Master Contractor?**

If **YES** >>

an RSE Contractor is audited at least once every three years for compliance with employment obligations, you can ask to see confirmation. Master Contractors provides compliance with annual audits and maintains a register of its members – you can ask to see confirmation.

If **NO** >>

Have you taken reasonable steps to be satisfied that the contractor is a legitimate operator? (ie they have the expertise and authority to undertake the work they have been contracted for, they have not been convicted of employment law breaches, and they will meet their legal and contractual obligations?)

Have you taken reasonable steps to verify or monitor their legal compliance? (see **Working for You** guide)

✓ **Do you have a written agreement with the contractor that includes appropriate warranties and indemnities?**

✓ **Have you received a fully completed IR 330C tax form?**

✓ **Have you deducted the appropriate amount of tax or sighted a copy of the contractors current Certificate of Exemption from tax on schedular payments?**

✓ **Have you taken reasonable steps to satisfy yourself that all contract workers are entitled to work in New Zealand?**

✓ **Do you and the contractor have the required health and safety measures in place?**

