

Submitter information

Please provide your name and phone number, and preferred email address for contact if it is different from the one used to send this form:

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In what capacity are you providing feedback?

e.g. on behalf of: your company, the company you work for, an industry organisation, a union, a licensed immigration adviser etc.

Company

If you are representing a company or group, what is the name of that group?

Gregory Jane Ltd

What industry or industries does that group work in?

Agriculture

In your company or industry, what are the most common occupations for migrant workers?

Dairy farming

What visa categories are commonly used by those workers?

I.e. resident visa, Essential Skills work visa, Work-to-Residence work visa (under the Talent or Long Term Skill Shortage List categories), Post-Study work visa (open or employer assisted), open work visa.

Essential skills and long term shortage list

Only answer the following questions if you directly employ migrant workers:

How many migrant workers do you currently employ? (Refer to the visa categories in the question above)

Three

Have you supported an Essential Skills visa application for any of these workers?

Yes

Using wage or salary information to help determine skill level and access to Essential Skills migrants

Proposal 1: Introduction of remuneration thresholds to determine skill levels and associated visa conditions for Essential Skills visas

Consider the proposal of aligning the remuneration thresholds for the Essential Skills visa with the remuneration thresholds for the Skilled Migrant Category.

What impacts or implications do you foresee from defining lower-, mid- and higher-skilled Essential Skills migrants in this way?

Give details of the occupations or sectors and wage or salary levels you are thinking of.

Defining migrants as low, mid or high skilled is very open to personal interpretation of an employer. Employees can be expected to perform a range of tasks that at times will fit all three skill categories, but the actual job title and level of experience is also highly correlated to the size of the business. In dairy farming, a Herd Manager (currently classified lower skilled) who is highly skilled in a team of five staff may actually be more highly skilled than somebody called an Assistant Farm Manager (classified mid skilled) in a two person business. Job titles can be very misleading, but will play an even greater importance under the proposed changes.

Remuneration level cannot be the sole judge of value. Salary packages are all structured differently in dairy farming and to look at that as a sole figure on paper does not take into account factors such as hours worked, work conditions, location or quality of housing.

Aligning essential skills remuneration thresholds to skilled migrants levels does not allow for those who are willing to come to NZ to work but may never have any intentions to achieve residency. By limiting their work visas to potentially one year, it becomes too short a time frame to settle into their position. Both the employee and employer invest time and money recruiting and training new staff, and having to repeat this each year is expensive and time wasting for both parties.

I would prefer to see a longer essential skills visa issued, regardless of skill level, of say three years. That visa would be tied to that particular employer, so if the visa holder wished to change employer, the visa holder would have to reapply for a change of conditions and meet any subsequent labour market tests.

We employ people on Essential Skills visas because we could not find suitable candidates with NZ residency. This can occur across all employee levels of responsibility, whether the position is low, mid or high skilled. If there is a shortage of available NZ workers for any position, this proposed link of visas to migrants and subsequent variation in length of visas issued will have a profound impact on dairy farmers. There are greater numbers of dairy assistants, assistant herd managers and herd managers needed, particularly in the South Island with larger herd sizes. If employers are going to be forced to recruit new staff every year due to one year only working visas, that places a greater financial, time, training and administration strain on an employer. Dairy farming is a 7 days a week, 12 month business. This could potentially turn into a 10 month induction and training period, then two months spent unproductively recruiting and possibly another delay if a person on a working visa is the only option.

An essential skill exists because there is a labour shortage in NZ at that time for that position. It is irrelevant what the skill level is to the employer when they cannot find a suitable employee. Whether it is the cleaner or the manager you are trying to recruit, both are an integral part of any business and a shortage of either is still a shortage regardless of skill level classification. It is unfair to say you can employ this person for only one year but the other for

up to three years, when recruitment and training costs and time are also considered.

Reinforcing the temporary nature of the Essential Skills visa and managing the settlement expectations of temporary migrants

Proposal 2a: Introduction of a maximum duration for lower-skilled Essential Skills migrants

Consider the option of a three years for a maximum duration for lower-skilled Essential Skills visas.

What impacts or implications do you foresee from the proposed maximum duration for lower-skilled Essential Skills visa holders?

Give details of the occupations and industries you are thinking of.

In dairy farming, a greater proportion of the positions available are for dairy assistants, assistant herd managers and herd managers. These positions are likely to be given only one year visas with the proposed 'lower skilled' categorisation. I believe one year is too short with regard to the NZ dairy industry.

We employ people on Essential Skills visas because we could not find suitable candidates with NZ residency. If these people come to us with only one year working visas, it places a greater strain on an employers time, financial and training resources. Dairy farming is a continuous 7 day, 12 month operation and it takes a great deal of time and effort to integrate each new team member and train them to our unique farm situation.

It realistically takes at least three months to appoint somebody to a position. You need to allow three weeks for advertising a vacancy, two-three weeks for interviewing suitable candidates and usually at least four weeks after that before they can potentially start working for you. If there are no suitable NZ resident applicants, it then takes another four-six weeks for a visa application to be processed. If we employ a low skilled one year visa person, we therefore really only have eight to nine months work for that person before we have to start the employment process again. This creates a lot of uncertainty, time wasting and cost for both the employer and employee.

I would prefer to see visas issued for at least three years for dairy farming, regardless of skill level. Dairy farming has a shortage of employees across all levels, and restricting our last resort supply of labour to only one year visas further compounds our recruitment problems. If necessary, the visa could be tied to that employer as they are the person who had the genuine need to hire a migrant worker initially.

Regarding the maximum three year duration of lower skilled visas, I find this irrelevant to our NZ dairy farming situation. If there is an ongoing need for skilled labour in dairy farming which we cannot fill from NZ residents, this should be able to be filled from those already working in NZ, regardless of how long they have been here. If a person is contributing positively to their current employers business and their local community, it seems unnecessary to force an upheaval on both the employer and employee by ending the employment. There will always be a natural turnover in employees every few years. If there is a willing migrant to continue in their employment and provide stability to the employers workplace, that employer should not be further penalised by the forced termination due to the three year maximum.

I do not support the one year or three year maximum for lower skilled essential visa holders. If a person fits the employment requirement need at the initial time of employment, and continues to do so with that same employer be if for three or ten years or more, then the employer and employee should not be penalised for having a good employment relationship.

Proposal 2b: Introduction of stand down period for lower-skilled Essential Skills migrants

Consider the option for a year-long stand down period following the maximum duration for lower-skilled Essential Skills visas.

What impacts or implications do you foresee from these proposed changes?

Give details of the occupations and industries you are thinking of.

To terminate a position because somebody has reached the end of a three year work period and has to return to their home country for one year is detrimental to both employers, employees and the NZ community they have adjusted to.

Some of those people may have only been granted three lots of one year visas during that time, an expensive renewal for them and also consequences for their employer(s) during that time. To then further limit their stability and earning potential by sending them out of NZ for one year seems rather unfair.

If a person is in stable employment, of good character and has caused no issues for NZ during their tenure, it is unfair to punish the employer and employee and remove them from their employment. It is removing one good person only for them to highly likely be replaced by another migrant person of unknown character.

An employer may have had to seek an employee with an essential skills visa, but could end up with a person with only one year left in their maximum three year stay. This penalises the employer who then has to terminate the position, when they may have actually found a person who is a great fit for their team and could develop into a valued employee.

Proposal 3: Require the partners of lower-skilled Essential Skills visa holders to meet the requirements for a visa in their own right

Consider the proposal to require the partners of lower-skilled Essential Skills visa holders to meet the requirements for a visa in their own right.

What impacts or implications do you foresee from these proposed changes?

Give details of the occupations and industries you are thinking of.

Dairy farming is unique in that it is a 7 days a week operation and it normally involves provision of accommodation in the salary package. Many migrant workers choose to bring their spouse or partner to NZ for support. This should remain their open choice without discrimination as to their level of skilled employment. If the person can demonstrate they can financially support their partner, then this option should not be limited to their occupation skill level.

Proposal 4: Require the children of lower-skilled Essential Skills visa holders to meet the requirements for a visa in their own right

Consider the proposal to require the children of lower-skilled Essential Skills visa holders to meet the requirements for a visa in their own right.

What impacts or implications do you foresee from these proposed changes?

Give details of the occupations and industries you are thinking of.

Dairy farming is unique in that it is a 7 days a week operation and it normally involves provision of accommodation in the salary package. Many migrant workers choose to bring their immediate family to NZ for support. This should remain their open choice without discrimination as to their level of skilled employment. If the person can demonstrate they can financially support their family, then this option should not be limited to their occupation skill level.

It is discriminatory to suggest that a lower skilled worker cannot support their family like a medium or high skilled worker could. If they can prove the financial means to support their family, then skill level is irrelevant to determine family visas. Skill level does not reflect financial remuneration, living standards or ability of a person to live within their financial means.

Reinforce that Essential Skills visas should only be granted for the period for which the employment is offered

Proposal 5: Make it explicit how the 'period of employment' condition applies to seasonal work

Consider the option to reinforce that Essential Skills visas for seasonal work are only for the length of the season and that the offer of employment must match the length of the season.

What impacts or implications do you foresee from these options?

Give details of the occupations or sectors you think are likely to be affected.

For a position that is clearly defined by a very short employment season, it would make sense to match essential skills visas to only that period of employment. This is very obvious in industries like summer fruit, grape harvest, or pruning, etc.

This regulation would need to be very specific to those industries. I believe it would need to be clearly tied to industries where maximum six months employment would cover the seasonal requirement of any employer. Fruit harvesting would be an obvious example.

Consider the list of seasonal occupations being considered.

Are there any seasonal occupations that should be added or removed from this list? Why?

Dairy farming is on the list of possible seasonal occupations. Dairying is a 7 days a week, 12 months a year operation and is by no means a seasonal business these days. Every month has important animal and environmental requirements to enable a business to continue operating in a sustainable and profitable way.

There are no short defined seasons in dairy farming. Every month has a critical role in the full

12 month cycle and actions must be managed with consideration to their impact on future production and results. Dairying really is a full 12 month business, with no let down at any time of the year. By comparison, fruit production has narrow seasons which could be defined for harvest, or pruning.

Dairy farming should be removed from any seasonal occupation list.

Consider the list of seasonal occupations being considered.

If you employ seasonal staff, or represent a sector with seasonal staff:

- What are the occupations of the seasonal staff within the sector that you are commenting on?
- For each of the occupations that you have identified, what is the typical period that you require seasonal staff to cover (e.g. the peak of the season)?

I do not employ any seasonal staff because in dairy farming I have a need for full time, permanent employees.

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