



COVERSHEET

Minister	Hon Andrew Little	Portfolio	Immigration
Title of Cabinet paper	Restricting the use of trial periods in the Accredited Employer Work Visa	Date to be published	13 November 2023

List of documents that have been proactively released

Date	Title	Author
August 2023	Restricting the use of trial periods in the Accredited Employer Work Visa	Office of the Minister of Immigration
30 August 2023	Restricting the use of trial periods in the Accredited Employer Work Visa DEV-23-MIN-0197 Minute	Cabinet Office

Information redacted

YES

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Some information has been withheld for the reason of confidential of advice to government.



Cabinet Economic Development Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Restricting the Use of Trial Periods in the Accredited Employer Work Visa

Portfolio **Immigration**

On 30 August 2023, the Cabinet Economic Development Committee:

- 1 **noted** that the use of trial periods has been linked to reports of migrant exploitation;
- 2 **noted** that the purpose of the trial period for smaller businesses is to encourage the employment of New Zealanders who are disadvantaged in the labour market by reducing the risk and potential cost for small employers of taking on someone who may not work out;
- 3 **agreed** to restrict the use of trial periods in the Accredited Employer Work Visa (AEWV) by introducing:
 - 3.1 an accreditation standard, which requires employers to commit not to use trial periods in the hiring of AEWV holders, and enables Immigration New Zealand to decline or revoke accreditation if the requirement is breached;
 - 3.2 the ability to decline AEWV Job Check applications if they contain a trial period clause;
- 4 **authorised** the Minister to make detailed policy decisions to implement the decision in paragraph 3 above;
- 5 **noted** that purpose referred to in paragraph 2 above would not change employment law, and that trial periods will remain lawful under the Employment Relations Act 2000 for employees of eligible businesses, including migrants;
- 6 **noted** that the Migrant Exploitation Protection Visa, introduced in July 2021, allows for the grant of an open work visa of up to six months for migrants where the Ministry of Business, Innovation and Employment has assessed their report of exploitation as credible;
- 7 **noted** that the Minister of Immigration has asked for further advice on allowing for the grant of a further six month open work visa if the visa holder has been unable to find a job after six months;

8 **authorised** the Minister of Immigration to take decisions on whether to allow a further six month visa and the detailed policy design, such as eligibility criteria and implementation timeframes.

Janine Harvey
Committee Secretary

Present:

Hon Grant Robertson (Chair)
Hon Dr Ayesha Verrall
Hon Andrew Little
Hon David Parker
Hon Peeni Henare
Hon Kieran McAnulty
Hon Dr Duncan Webb
Hon Jo Luxton
Hon Rachel Brooking

Officials present from:

Office of the Prime Minister
Officials Committee for DEV