



## Employer Charter

### **Employee conditions of work**

*The employee conditions of work below are for employees covered by a full time employment agreement and may differ for part time and/or casual employees.*

- Employees must be flexible with days given complexities of weather and crop timing with an expectation they will work between 4 and 7 days per week.
- No employee is expected to work more than 60 hours per week, unless by prior agreement
- The hourly rate for any additional hours should be by prior agreement.
- The agreed work roster incorporates regular days off dependent on work schedule and will be with the prior agreement of the employee.
- Mutual respect and care is extended to all team members.
- Diversity is understood and respected (including cultural, gender and religious differences) and no one shall be subject to any discrimination or harassment in employment based on gender, age, disability, sexual orientation, nationality, political opinion, social group or ethnic origin.

### **Expectations of the employers**

Employers must provide every employee with an employment agreement including:

- the names of the employer and employee
- a description of the work to be performed
- an indication of the place of work
- the hours of work or an indication of the hours of work (the agreement must set the maximum number of ordinary weekly hours)
- the wage or salary payable
- When Public holidays fall on a day employees would normally work (employers cannot dictate that these are non-working days if they fall during the period covered by the employment agreement) employees will be entitled to a paid day off, no matter how long they've been working. If they agree to work on a public holiday, employers must:
  - pay them at least time and a half
  - give them another paid day off later (a day in lieu)
- any other matters agreed on, such as trials or probationary agreements
- the nature of the employment – whether it is fixed-term, seasonal or permanent.



The employee must be encouraged and able to seek advice on the contents of the agreement before signing.

Employees should receive a copy of the signed employment agreement for their records. They will need it in the event of any dispute.

Employers must ensure the workplace complies with all health and safety legislation.

### **Additional general guidance:**

#### **Minimum wage entitlement**

From 1 April 2020, the expected minimum wage in NZ is \$18.90 per hour, before tax. This rate applies to all employees aged 16 or over, who are either full-time, part-time, fixed-term and/or seasonal, working from home and paid by wages, salary, commission or piece-rates.

#### **Work breaks**

Employees are entitled to unpaid meal breaks (30 minutes) and paid rest breaks (normally 10-15 minutes) that are appropriate given the length of the working day or shift, and that give employees a reasonable opportunity to rest, to eat and drink and to deal with personal matters.

When workers are working on piece rate the paid rest break will be paid at the equivalent rate of earning when on piece rate

#### **Accommodation**

Where possible, employers should provide accommodation on site or nearby; or where this is not possible, assist the employee to find accommodation locally.

If accommodation is provided on site, it is recommended to be an alcohol and drug free environment.

If accommodation is provided by the employer it will be in good condition and comply with all regulatory requirements.

#### **Health & Safety**

While the level of workplace hazards is very low in most summerfruit operations, health and safety is still given a high priority, particularly in the packhouses where machinery is involved or in the orchard whilst using ladders.

All employees must be advised of health and safety risks and protected from them through training and provided personal protective equipment (PPE) where required. For summerfruit harvest this includes sun protection.



### **Pay slips**

Pay slips verify that employees and employers have the same understanding of how the employee's pay is made up. Employees are entitled to request wage and time records from their employer showing the pay rate, hours worked, any deductions and how the employee was paid. Employees should make sure they sign their timesheets indicating agreement on the hours worked or the agreed piece work completed.

### **Tax**

Income earned in New Zealand will have tax deducted through the Pay As You Earn (PAYE) system, as well as an Accident Compensation Commission (ACC) levy which goes towards New Zealand's insurance scheme for covering any costs involved when an employee is injured.

An employer is not allowed to make any other deductions from an employees pay without their signed permission.

### **KiwiSaver**

For employees that are already registered with KiwiSaver the employer is obliged to make KiwiSaver deductions and pay employer contributions on their behalf.

A KiwiSaver information pack and deduction forms should be included in employment packs for all New Zealanders.

For those not already registered and employed as casual agricultural workers, on a day-to-day basis for no more than three months they aren't enrolled automatically, but can opt in. They can either join through the employer or by contracting directly with a KiwiSaver scheme provider.

The automatic enrolment rules apply to casual agricultural workers if their employment is extended beyond three months. Employees must then be given a KiwiSaver information pack and start member and employer contributions from their next pay. The normal opt-out rules apply.

It is important that employees not currently registered with KiwiSaver understand that once they opt in, they do not have the option to opt out at a later date.

For more information go to <https://www.ird.govt.nz/kiwisaver/kiwisaver-employers>

### **Assistance**

In the event of a dispute in the workplace, employees can contact the following agencies for help:

- Employment New Zealand will provide free employment information but not assistance in interpreting employment agreements, legal matters or personal grievances; tel. 0800 209 020;

[www.employment.govt.nz](http://www.employment.govt.nz)



- Labour inspectors are able to assist in investigating breaches of laws relating to minimum employment conditions (e.g. holidays owed and pay); tel. 0800 209 020 (employment complaints) or 0800 030 040 (health and safety complaints).

Visit [employment.govt.nz](http://employment.govt.nz) and go to the resolving problems tab.

- The Employment Relations Authority is an independent organization that helps resolve employment relationship issues; tel. 09 970 1550; [www.era.govt.nz](http://www.era.govt.nz)

Crimestoppers is for issues relating to immigration fraud or worker exploitation; tel. 0800 555 111

- Citizens Advice Bureau can be contacted for a range of advice on issues affecting workers; [www.cab.org.nz](http://www.cab.org.nz)

The summerfruit industry is working to ensure that all workers are treated well by their employers. If you have any feedback on your experience in the summerfruit industry or issues with your employer, please contact Summerfruit NZ, or the regional Seasonal Coordinator. We will use this information to help improve working conditions throughout the industry.