

BRAIN GAIN

Migrant workers in New Zealand



Human Rights
Commission

Te Kāhui Tika Tangata

COMMISSION OFFICES

Tāmaki Makaurau - Auckland

10th Floor, Tower Centre
Cnr Queen and Customs Streets
PO Box 6751, Wellesley Street,
Tāmaki Makaurau Auckland 1141
Waea Telephone 64 9 309 0874
Waea Whakāhua Fax 64 9 377 3593

Te Whanganui ā Tara - Wellington

Level 8, Vogel Building, 8 Aitken Street
PO Box 12411, Thorndon
Te Whanganui ā Tara Wellington 6144
Waea Telephone 64 4 473 9981
Waea Whakāhua Fax 64 4 471 6759

Otautahi - Christchurch

Ground Floor, KPMG at Cranmer,
34-36 Cranmer Square
PO Box 1578, Otautahi Christchurch 8140
Waea Telephone 64 3 379 2015
Waea Whakāhua Fax 64 3 353 0959

Human Rights Commission InfoLine

0800 496 877 (toll free)
Language Line (an interpreting service)
is available on request
TTY (teletypewriter): 0800 150 111
Fax: 64 9 377 3593 (Attn: InfoLine)
www.hrc.co.nz

PHOTOGRAPHY CHLOE HASTINGS

DESIGN VERTIGO

© HUMAN RIGHTS COMMISSION 2008

ISBN NO: 978-0-478-32904-9

ISBN NO: 978-0-478-32905-6 (PDF version)

BRAIN GAIN

Migrant workers in New Zealand

CONTENTS

BRAIN GAIN: MIGRANT WORKERS IN NEW ZEALAND	2
WORK AND INCOME	
Helping to build a diverse community	6
Meeting cultural needs	7
OMEGA	
Spotting opportunities	10
Mentoring reaps rewards	12
HOSPITALITY	
Overcoming recruitment and retention problems	16
DAIRYING	
Migrants help sustain the dairy industry	20
Down on the farm	22
BAKERY	
Productivity is a migrant employment issue	26
Rising to the challenge	28
MIGRANT PROJECT	
Changing attitudes	32
ACCOUNTING	
Migrants offer competitive advantage	36
Adding up the benefits	37
LOCAL GOVERNMENT	
The business of migrant employment	40
Absolutely positively	42
COMMUNICATIONS	
"I was wondering whether..."	46
USEFUL INFORMATION	
Pre-employment guidelines	49
Some useful websites	57

Brain gain: migrant workers in New Zealand

Work is arguably the single most important element in the integration of immigrants to New Zealand. Work is about income, about individual fulfilment, about identity and about social inclusion and cohesion. Amazingly, though, many migrants find it hard to access decent employment despite years of experience and qualifications recognised elsewhere.

Migrant workers in different occupations and working in different regions of New Zealand tell their stories in this report published by the Human Rights Commission, Te Kāhui Tika Tangata. They tell stories of adjustment, of change, of achievement and of courage.

Employers of migrant workers also tell their stories about what motivated them to hire migrant and refugee employees and the benefits they bring to business and organisational life. Their stories show that migrant workers are very often critical to growth, business sustainability and productivity.

The report is timely. Both business representatives and migrant communities indicated at an employment symposium forum held in Auckland in 2007 that there was a need to promote positive stories about migrant employment. These stories could persuade

other potential employers of the benefits of migrant employees to fill labour and skills shortages and that diverse workforces are valuable in themselves.¹

There is no doubt that immigration is good for New Zealand. The 2006 Census showed that New Zealand's migrant population was 927,000 people. Research undertaken for the Department of Labour shows a positive fiscal impact of immigration estimated at \$3,288 million in the year ended 30 June 2006, a positive fiscal impact that has increased dramatically since 2002.

Migrants contributed \$8,101 million through income taxes, GST and excise duties. Expenditure on the migrant population through education, health, benefits and allowances and superannuation was \$4,813 million. The New Zealand-born population of 3.1 million people had a lower net fiscal impact of \$2,838 million.²

A recent OECD report said the integration of immigrants is not only a national issue but a local one, because migrants ultimately need to settle in a local community and find their place in a local labour market. The OECD report says that locally employers are perhaps the most important of all stakeholders. But while making employment decisions about

¹ Office of Ethnic Affairs (2007) *Employment Symposium - Acting for Change*.

² Department of Labour (2007) *Fiscal Impacts of Immigration 2005/06*
<http://www.dol.govt.nz/PDFs/fiscal-impacts-of-immigration-2005-06.pdf>

“employers do not have recourse to the usual sources of information (on education background, previous local work performance) which guide them in choosing the right employee”.³

A number of local initiatives acknowledge that migrant employment is different and requires different recruitment approaches. This report promotes several of the local initiatives in New Zealand that ensure employers can quickly see the potential offered by immigrants. These initiatives include work experience programmes such as that run by the Wellington City Council, as well as the private sector placement and case management approach of the Canterbury Employers’ Chamber of Commerce’s migrant employment project and the newer Omega programme in Auckland. The latter is supported by some of the country’s big business and funded by the Tindall Foundation.

A New Zealand Immigration Service study shows that migrants from Asia are more likely than those from Europe, South Africa and the Pacific to experience discrimination, particularly when they are looking for work.⁴ The same research showed an occupational mismatch for about a third of migrants, mostly those who had previously worked in professional, managerial or technical occupations.

This report also provides advice for both employers and migrant job-seekers about accessing employment, including the pre-employment area and its relation to the Human Rights Act 1993, which aims to prevent discrimination on the grounds of race and ethnic or national origins. A list of migrant employment resources is included for reference.

I would like to thank all the employers and agencies who agreed to speak about their activities. Moana Eruera, Senior EEO Advisor at the Human Rights Commission, conducted the interviews and wrote the profiles. I would particularly like to thank the migrants who told us their stories. As New Zealand migrant researcher Edwina Pio reminds us, migrant sustainability is not an art or a science but a culture of learning and mutual respect.⁵



Judy McGregor

EQUAL EMPLOYMENT OPPORTUNITIES COMMISSIONER
KAIHAUTU ŌRITENGA MAHI
June 2008

³ OECD (2006) *From Immigration to Integration - Local Solutions to a Global Challenge*.

⁴ Dunstan, S., Boyd, S. & Crichton, S. (2004) *Migrants’ Experiences of New Zealand*. Wellington: New Zealand Immigration Service.

⁵ Pio, E. (2008) *Sari - Indian Women at Work in New Zealand*. Wellington: Dunmore Publishing Ltd.



Work and Income



Helping to build a diverse community

Meeting cultural needs

Helping to build a diverse community



Somali-born Abdi Omar, who is a Work and Income case manager, wants to lead by example. “I see myself as a role model for the younger Somali generations coming through, which I’m really proud of. People say they are really happy that I am doing such a wonderful job,” he says.

In 2005 Abdi started work at the Mt Albert Work and Income Service Centre through its cadetship scheme, which he heard about while volunteering on the Family and Community Services’ “Settling In” programme. Mt Albert is a mixed socio-economic area and home to a vast range of ethnic groups.

Jenny Janif, Project Manager at Family and Community Services, spotted his leadership potential and encouraged him to apply for

the cadetship scheme, which is designed for those keen to develop a career in community support.

The scheme reflects the Ministry of Social Development’s recruitment principles of valuing diversity and building a people profile that reflects its communities and clients.

Abdi was accepted into the scheme and graduated in 2007, earning NZQA Public Service level 4 and 5 qualifications. Abdi is proud of his role as a case manager. “My colleagues have been very helpful. I really like working at Work and Income,” he says.

Abdi’s assimilation into New Zealand life has been a mixed and enjoyable experience. In 1994 his family came to New Zealand as Somali refugees and spent a short time at the Mangere Refugee Centre before integration into the community.

Since then, Abdi has attended Mt Roskill Intermediate and Mt Roskill Grammar Schools, studied Business at the Auckland University of Technology, and is now a qualified case manager. “I consider myself a Kiwi,” he says. “New Zealand is my second home and I feel comfortable here.”

Meeting cultural needs

“We enjoy learning about each other, sharing experiences and we have great pot-luck morning teas.”



Kerry Te Haara-Faleolo, Abdi's manager, says that Abdi's acceptance into the cadetship scheme recognised his community involvement, initiative and ability to communicate with a wide range of people. "Prior work experience is not necessarily what we look for when selecting cadets. We're looking for work within their community and especially for people with a leadership quality," says Kerry who is Work and Income's Mount Albert Service Centre Manager.

Staff from diverse backgrounds bring a richness to the workplace and an understanding that reflects the community. Kerry says her staff composition is very close to that of the Mt Albert population and they

have no trouble recruiting. "We enjoy learning about each other, sharing experiences and we have great pot-luck morning teas," she says with a smile.

Accommodating the needs of a culturally diverse staff can be done unobtrusively. "Being flexible is important," says Kerry. Every Friday, Abdi takes his lunch break late so he can pray at the local mosque.

Kerry's advice to other employers when thinking about migrant and refugee staff is: "With all staff there is an element of building a relationship and being patient. Migrant and refugee staff help through their language skills and ability to interface with client communities."



OMEGA



Spotting Opportunities

Mentoring reaps rewards

Spotting opportunities



Employers are behind the new initiative for skilled migrants in Auckland where almost half of new migrants live.

Justin Treagus, Programme Director of Omega, believes changing the attitudes and business practice of Auckland employers around migrant employment is essential for New Zealand's economic future.

Omega is an initiative of the Committee for Auckland with funding from the Tindall Foundation and supported by over 30 big businesses including firms such as Deloitte, Vodafone, Fonterra, BNZ, Fulton Hogan and Simpson Grierson. It offers migrant internship programmes, a mentoring programme and runs an inter-Government relations group designed to inform and be informed of government initiatives.

In Justin's view, Omega works for business and celebrates best business practice and

good initiatives. "Relentless incrementalism" is the key to working with businesses to find solutions that become best practice models for labour market integration, he says.

"Businesses are already seeing the benefits of having a diverse workforce," Justin says. "Migrants are a resource that are bringing different ideas and different ways of working to an employer. This is a strength for any organisation. It is about effective integration into the labour market"

So far 15 people have joined Omega's mentoring programme and are being helped by staff from around 30 companies. The mentoring programme runs for 16 weeks and is putting migrants in touch with people who have similar skills sets. "The key is for the mentor to help the migrant with local knowledge and access to networks", says Justin. "They can help with refining a migrant's CV showing them what works here and what

“Migrants are a resource that are bringing different ideas and different ways of working to an employer. This is a strength for any organisation. It is about effective integration into the labour market.”

doesn't.” Mentors support their migrant job seekers and help them with interview skills, New Zealand methods of job search and where possible introduce them to professional networks. “Orientation is provided for mentors including provision of a toolkit and guide about what it means to be a mentor”, says Justin.

The Omega initiative is based on a similar scheme successfully run in Canada. The Toronto Region Immigrant Employment Council has helped over a thousand migrant workers into jobs since its inception in 2003.

“The Canadians have done quite a lot of research on migrant discrimination and have estimated that the cost of under-employment of migrants costs the country about C\$3 billion to C\$5 billion (\$3.7 billion to \$6.2 billion) a year”, says Justin. New Zealand appears to have no corresponding statistics, something that Justin intends to remedy.

One of the major barriers for migrants seeking work is the fabled lack of Kiwi work experience, an impediment that is also the number one barrier for migrant job seekers in Canada. “Omega’s response is a paid internship solution which removes the risk of hiring people with no local experience whilst giving a migrant valuable local work experience”, Justin says.

Omega has plans to develop but wants to walk before it runs. “This year is about getting the model right,” he says. There are probably thousands of migrants that will be helped by Omega. The next steps will be to develop capability to meet that level of demand. “Once Omega has gained traction it hopes to provide self-help kits to smaller companies and help drive change and have employers feel more comfortable about taking on migrants”, says Justin.

Mentoring reaps rewards



Nazima Rangwala (left) is an Omega success story after gaining employment within weeks of joining its mentor programme.

Originally from India, Nazima came to New Zealand with textile qualifications and marketing work experience. She has been in New Zealand for one year after travelling with her husband and having a break from employment for 6 years to raise a family. She heard about Omega from the Auckland Refugee and Migrant Services (ARMS) and successfully applied for the mentoring programme.

Nazima's mentor, Voichi Judele, a migrant herself from Romania, has been instrumental in helping secure Nazima a full-time position in her company, URS. "Omega approached URS to participate in the programme and the company supports the idea of immigrants in its workplace", says Voichi.

"I noticed Nazima was a good candidate. She had a good attitude and asked lots of questions. At the time there was a position where URS needed someone who could work with senior managers and who had office administration experience. I encouraged Nazima to apply for the role", says Voichi.

Both Nazima and Voichi agree that the programme has been beneficial for them.

"I would like to do something for the community" says Nazima, as she considers becoming a mentor herself.

Voichi says "as a mentor I have gained satisfaction from this success story, passing on my own experiences as a migrant seeking employment. I have been through the same thing myself. It has been a great personal achievement".





Justin Higgins
EXECUTIVE ASSISTANT MANAGER
RYDGES

Hospitality



Overcoming recruitment and retention problems

Overcoming recruitment and retention problems



“Be open and work with other cultures and communities, because most of the time you can make things work. Give it a go.”

Rydges Hotel employs 125 staff at its Auckland central location and, “accommodating the individual needs of staff is critical for recruitment and retention”, says Executive Assistant Manager Justin Higgins.

Justin urges others to “explore your options when considering migrants or refugees as staff. Our doors are open for more migrant employees. My advice to other employers would be to make the accommodation for staff and you will get back what you put in. Having staff from such diverse cultures brings a richness to the workplace,” he says.

Executive Housekeeper, Deborah Hunt, leads a multi-national housekeeping team of 35. “We have staff from China, Indonesia, Korea, the Pacific Islands, South America, Somalia and from all over,” she says.

“Currently I employ two young Muslim women and one Muslim man. The two Muslim women have been with us for over a year.”

Rydges has worked with the Auckland Migrant Refugee Service (ARMS) to accommodate the particular needs of Muslim women employees and their dress standard to meet their religion.

“We had just changed our uniforms and were going for new trousers and blouses,” says Deborah. “ARMS had asked me whether or not long sleeve uniforms could be made. I had some made up and showed them to the female Muslim candidates, who in turn got approval from their families. They would also wear black scarves or scarves that match the uniform; I had no problem with that.”

Rydges has made other concessions to meet the needs of its Muslim staff. Observing prayer time means that some staff have lunch



later, when the canteen is quiet and they can pray. Others will use a check out room to pray in private. One staff member says he is unavailable for 10 minutes and finds a private prayer space. "I have no problem with this at all," says Deborah.

Deborah makes sure her staff tell her when they need time off to observe special days. During Ramadan, when staff are fasting, she is mindful of their health and wellbeing.

Deborah encourages her staff to speak their own language, though insists that on the hotel floors where they work that staff speak in English, particularly with guests present. Otherwise they are free to speak their own language, which has proved helpful for translating with overseas guests from time to time.

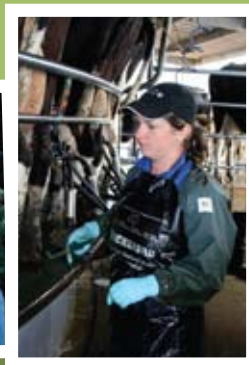
Both Deborah and Justin are keen to see their staff develop a career in hospitality. Rydges staff receive point-by-point training which allows them to accumulate NZQA unit standards and move towards receiving a hospitality qualification.

"Housekeeping is a great place to start because it's a big department, you get to learn about all of the rooms, you have contact with the guests and have contact with all departments. If you want to move on to reception work, you've had the housekeeping experience and know all the facilities in the rooms," Deborah says.

Deborah and Justin are keen to encourage other employers to give migrant and refugee staff a go. "Be open and work with other cultures and communities, because most of the time you can make things work. Give it a go," Deborah says.



Dairying



Migrants help sustain the dairy industry

Down on the farm

Migrants help sustain the dairy industry



“Talk to your prospective employees first and have a good training system in place when they first arrive.”

Rakaia dairy farmers Catrina and Brendon Dolan say the migrants they have employed have been “extremely good workers”.

Over the past nine years the Dolans have employed migrants from Romania, the Philippines, Egypt, Morocco, South Africa and England. The Dolans believe that without migrant workers the dairy industry would suffer.

Recent reports indicate that 3,000 workers are needed to fill the gap created by the rapid expansion in the dairy industry. “There are about 40 farm conversions to dairying in mid-Canterbury alone,” says Catrina.

Catrina identifies a number of the benefits of migrant labour. “We really respect what they are doing. They come to New Zealand to have a better life and often without their families. They’re here because they want to be. They’re always smiling, on time, polite and very

thankful. They are very dependable.” Brendon echoes these sentiments. “Ninety-nine percent of the time migrants are reliable, you can guarantee they’ll always be there and they turn up in a state fit for milking.”

The Dolans, like many dairy employers, engage the help of a professional agency to help find workers. “Normally they come with a two-year work permit and once they have residency they have a tendency to leave, which is a normal thing. They tend to move away from the dairy industry. So you know you’ve got them for at least two years” she says.

With a marketing degree, diploma in human resources and previous business experience, Catrina manages the employment process. “Before we employ migrants, we telephone them in their home country so we can have a conversation and see whether their English is at a level that we can understand them.



We also email them. The English barrier is difficult on both sides," she says. Health and safety issues in milking sheds require a basic level .

Catrina says the agency she works with provides up-to-date information on Immigration Service regulations and her lawyer reviews her workers' employment contracts annually. Federated Farmers send out regular newsletters and the Dolans receive annual salary advice from their farm advisor.

Catrina and Brendon would like to see immigration policy streamlined to help dairy farmers manage migrant labour more efficiently and effectively.

Accommodating religious observances during Ramadan can be a challenge on a dairy farm. Not eating or drinking during daylight hours while doing a full day's physical work leaves workers "exhausted", says Brendon. Asking prospective employees prior to employment about any religious observances they have helps employers to better accommodate those needs, says Catrina. "We and other staff are flexible about giving people days off when needed," she says.

Other less obvious challenges include workers arriving without any idea about how to use the telephone, drive, or even what clothes to wear. Brendon recalls lending a Swandri to one of

his workers who arrived in cool Canterbury weather with no winter clothing.

The Dolans are appreciative of the migrants they have employed over the years. "Overseas workers want to work, they want to learn," says Catrina. Armando, a current employee from the Philippines, "is an excellent worker, he is so appreciative," she says. "He's just gorgeous." In comparison, Catrina and Brendon believe that a lot of New Zealanders do not want to work in the dairy industry. "It's too hard," they say.

The Dolans run a family-oriented farm. Two Romanians currently employed are about to bring their children and mother to New Zealand to live with them. Another current worker from the Philippines will have his wife and child join him on the farm shortly. The Dolans have a total of nine houses in which to accommodate their employees, and the houses are "all set up when they get here," says Catrina.

Catrina and Brendon represent good employment practice at a time when the media are highlighting poor employment practices by some dairy farms. "You hear some negative stories," says Brendon.

Catrina and Brendon's advice to other dairy farmers looking to employ migrant workers is "talk to your prospective employees first and have a good training system in place when they first arrive."

Down on the farm



Armando Morales came to New Zealand from the Philippines in search of better employment opportunities. He practised as a bovine veterinarian in the Filipino dairy industry, which in comparison to New Zealand is small with only 30,000 stock in total.

Like other Filipinos, Armando applied for New Zealand positions through a professional employment agency in the Philippines and obtained a two-year work visa. His first application was to Catrina and Brendon Dolan in Rakaia.

“I am very happy here. I feel at home like a member of the family.” Enjoying his work and feeling as though he is part of a big family are both highly motivating and satisfying for Armando.

The challenges that Armando faced when arriving on the farm included new farm equipment and in particular different tractors from those he was used to in the Philippines. Future challenges for Armando include fencing, irrigation systems and operating and maintenance of farm equipment.

Outside of work, Armando has joined the Filipino Dairy Workers’ Society in Ashburton. Established a year ago, the Society has 70 members and meets every last Saturday of the month. Members discuss work-related issues, problems and news, and socialise together including a basketball tournament that was reported in the local press.

Armando’s wife, and his two children aged eight and six, have now joined him on the farm. His wife, who is also a veterinarian, hopes to be able to work on a farm locally as well.



Gabriela Cvasniuc, from Romania, is shed manager on the Dolans' farm. Her husband also works in the milking shed.

Prior to working for the Dolans, Gabriela experienced poor employment practice while working in Southland. "The conditions are very good and the money and opportunities are much better here," she says.

The Dolans have nine workers' dwellings on their property. Gabriela is happy to have a three-bedroom house with everything in it before she and her husband return to Romania to collect their children and mother. "This is a family farm," she says.

Gabriela is thankful for her new employment conditions and finds her employers to be "very hospitable. I am very happy and better off in New Zealand."





Bakery



Productivity is a migrant employment issue

Rising to the challenge

Productivity is a migrant employment issue



South Island bakery chain Coupland's "would be lost without migrant workers," says General Manager, Karel Adriaens.

Karel says he's employed migrant workers for many years and in general has had only positive experiences. "Migrants are more committed and dedicated and want to get involved because they come into the work environment already at a disadvantage."

Coupland's is split into predominantly two areas, manufacturing and retail. With a total staff of around 350, Karel says he employs about 20% migrant staff, mainly in manufacturing. About half of these, he says, have come from the Canterbury Employers' Chamber of Commerce Migrant Employment Project.

"We have employed Afghanis, Pakistanis, Indians, Chinese, Iranians, Pacific peoples and others," says Karel. "Most have had no experience in our sector, but come with a

whole lot of other skills that complement what we are doing."

Karel is a Kiwi born in New Zealand with Dutch ancestry. His father came to the South Island as a wool buyer. Karel believes the migrant working situation has improved significantly in New Zealand from the days when he was taunted at school for being an immigrant. "This is the best time in the last 30 years to allow migrants acceptance into the workplace because of the shortage of labour".

Migrant workers not only help industry through their employment, but their diversity rubs off on co-workers. "I think it encourages an interest in different cultures and an understanding of the way people live in other countries. I think the major approach of the majority of our staff has been quite positive. As a consequence, our local staff have become more inquisitive and interested about other cultures, and have been able to talk to migrants about aspects of this."

Karel believes that fears of limited English language proficiency inhibit some other employers. "I think other employers fear that migrants don't understand English, are hard to train and wonder how their current staff are going to accept them."

Improving English language skills is a key ingredient to improving migrant workers' prospects at Coupland's. "English is imperative when you are working in a production facility such as this, dealing with machinery and potential health and safety risks. We have a training structure here that all our staff go through, involving basic food hygiene, food safety, personal hygiene and safety. If workers can't understand and communicate adequately in English then it makes it very difficult to progress in our business."

Another fear employers have is how migrants are going to fit in with their New Zealand staff and how to avoid racial discrimination. "This needs to be led from the top, it needs to be made known that a certain type of behaviour is totally unacceptable and needs to be dealt with sternly. When you get that drive from the top you knock it on the head straight away. That helps to provide a level of trust and support with your migrant workers."

At Coupland's, another way to avoid the risk of racial disharmony is the involvement of other workers with new employees. "We have a buddy system, where new migrant workers have someone that they can easily relate

to and they very quickly find someone who speaks the same language," says Karel.

"All this is paid back by the commitment, dedication and the good work of migrant workers," he says. "They are here because they want to be here, because they need stability. They come to us with appreciation rather than expectation and that is a major positive in the working environment. I believe that the majority of migrant workers have a very good work ethic."

Accommodating different religious and cultural beliefs is also part of Coupland's philosophy. "We know that we will need to provide a prayer room shortly," says Karel, and he is focused on seeing that happen.

Accommodating different languages between staff at work is encouraged where it does not compromise health and safety. Staff will speak different languages and Karel has learnt a few words of each language, which makes his migrant workers feel more comfortable.

When encouraging other employers to look at migrants as potential employees, Karel says "Take the rose-tinted glasses off, give it a go and you won't regret it." He is enthusiastic about the placement scheme run by the Canterbury Employers' Chamber of Commerce. "This scheme is a fantastic entry point for migrants getting into the workforce. The service is genuine and it's top class."

Rising to the challenge



Wahid Yosofi joined the Coupland's staff three years ago. From Afghanistan, Wahid was sponsored by his older brother, who came to New Zealand as a Tampa refugee.

He used to work in a small bakery while studying English in Pakistan, and in Afghanistan helped his father with his jewellery business. He came to New Zealand because "it wasn't safe in Afghanistan".

"I started work here after two months being in New Zealand. I got my job through the Canterbury Employers' Chamber of Commerce Migrant Employment Project," says Wahid.

"I like working here because the people are good, really nice and friendly and I am happy with what I am doing. The best thing about working here is the nice clean environment, friendly people and there is a good future.

I am doing my apprenticeship for baking sponsored by Coupland's. I still have another two years to go."

After finishing his apprenticeship, he wishes to remain at Coupland's. "As long as I'm happy I will keep coming to the same place."

"When I first started it was a real challenge to communicate, and I didn't have any work experience in a big factory. But with the help of friendly people I started to catch up. I found it really hard, but after a few months it was good."

Hiralben Patel had no previous work experience before immigrating to New Zealand with her husband nine years ago. In India she had stayed at home. After several weeks working in a Christchurch supermarket, Hiralben walked into Coupland's seeking a job.



"If you have a good attitude and want to work, then work is available," she says.

Now she has completed three-quarters of the Coupland's on-the-job training programme and has trained in nearly every area except some of the pre-line manufacturing. Completion of the training programme sees more money in her pay packet.

"There are lots of migrants and it is a good environment. I'm very happy here."

Hiralben has a one-and-a-half-year-old son, Khush, whose name means "happy". She says supervisors and managers at Coupland's are supportive of family needs. She works four days, from Wednesday to Saturday, and works 40-45 hours a week.

Recently Hiralben had to return home to India at short notice for family reasons and Coupland's accommodated her need for leave. Part of a big Indian community of about 500 families living in Christchurch, her family has bought a house in the suburb of Hei Hei. "New Zealand is a very nice country to live in," she says.

"I like working here because the people are good, really nice and friendly and I am happy with what I am doing. The best thing about working here is the nice clean environment, friendly people and there is a good future."



Migrant Project



Changing attitudes

Changing attitudes



“I think it is fear of the unknown with many employers who have never had exposure to employing a migrant. Once they realise what they have to offer, it is quite different.”

Significant changes in employers' attitudes have occurred since the start of a Canterbury migrant employment project six years ago. That's the view of the Canterbury Employers' Chamber of Commerce (CECC) migrant employment coordinator, Jude Ryan-O'Dea.

“When I started in this role, employing migrants and refugees was a bit of an unknown and employers were hesitant. But with the realities of the labour and skills shortage and with the realisation that migrants and refugees can bring value to the workplace, there has been a shift in attitudes.”

The CECC migrant employment project has placed over 500 migrants and refugees since it began in 2003. Marketing it to the CECC's extensive employer database of 4,000 over the past six years has helped to break down

barriers and misconceptions that many employers had about migrants and refugees in the workplace. “Many employers now come to me for help,” says Jude.

“One of my favourite stories was being contacted by a local manufacturer who made farm gates. He was frustrated at not being able to find reliable staff. He approached me and I evaluated the job to see what it entailed so that I could find an appropriate match. He was rather hesitant about employing migrants and refugees because he had never employed them before. I took an Eritrean refugee out there who I had worked with and who previously worked part-time for someone who had little sensitivity towards refugees. He proved a huge success and the employer has hired a further two refugees who have proved to be hardworking, reliable and productive.”

The biggest barriers for migrant workers in New Zealand are language, cultural differences, and negative attitudes on both sides, Jude says. "I think it is fear of the unknown with many employers who have never had exposure to employing a migrant. Once they realise what they have to offer, it is quite different."

Jude says placement of migrant workers needs one-on-one case management and personal attention, which is the basis of the Canterbury Migrant Employment Project. "I think it is absolutely essential that someone intensively case manages migrant workers, because when they arrive many often have no starting point of where to go, where to get help. With cultural differences many migrants have no concept of writing their CVs, even letters of introduction, covering letters or letters of application that are appropriate for employers. It is also important to discuss with skilled migrants their overseas qualifications and their job expectations, to ensure they apply for appropriate positions."

Conditions of work vary for many migrant workers, many of whom take all the hours of work they can get to either send money home or to save to bring family members to New Zealand. Jude says the minimum wage paid to some migrant workers, particularly refugees, makes it very hard for them to meet all their expenses, as it is for all Kiwis on minimum pay rates.

What could improve migrant and refugee employment in New Zealand? Jude believes there is a need for continuing promotion among all communities, including employers, of the value that migrants and refugees can bring to workplaces. There is also a need for immigration policy both to recognise the chronic labour and skills shortage and to make the process of getting work permits easier for migrants and refugees who have the ability to contribute to the workforce.

"When I started in this role, employing migrants and refugees was a bit of an unknown and employers were hesitant. But with the realities of the labour and skills shortage and with the realisation that migrants and refugees can bring value to the workplace, there has been a shift in attitudes."



Accounting



Migrants offer competitive advantage

Adding up the benefits

Migrants offer competitive advantage



Employing Korean staff has given a small Christchurch accountancy firm a competitive advantage.

Keith Yardley, owner of Keith Yardley and Associates, says employing Korean accountants has “not gone unnoticed in other accounting offices around the town”. A few other firms have spoken to him about the advantages and subsequently one other accounting firm in Christchurch has employed a Korean graduate.

Keith began his Korean association about 15 years ago through Korean business associates in the deer velvet industry. One of them suggested that there was a need for Korean-speaking accountants in Christchurch. Keith employed an American-qualified Korean accountant who had immigrated to New Zealand.

Since then he has employed four Korean accountants, and currently has three in his staff of eight.

His current Korean staff are all New Zealand-qualified and are working to become New Zealand-accredited chartered accountants. They deal mainly with Korean-based clients, which has been a huge growth area and good for the business. “This has grown far more quickly than I originally thought,” says Keith.

“My Korean staff are good to work with, have a tremendous work ethic, work very hard and I enjoy that. They have brought cultural variety to the place.”

The English language proficiency of his Korean staff has improved significantly.

Keith’s advice to other employers thinking of employing migrant staff is that “You must be patient and accept the English language proficiency side of things. This has been a good experience for me.”

“I have an A+ graduate and find it amazing that he didn’t find a job with one of the big firms. I suspect he didn’t because his English is not up to speed. Normally a firm of this size wouldn’t have a dog’s show of employing an A+ student. He is a very quick learner.”

Adding up the benefits



Paul Seo (left) and Caleb Lee are both recent migrants to New Zealand. Paul immigrated to Christchurch seven years ago and comes to Keith Yardley and Associates with 19 years' experience in the Korean banking industry.

Caleb has been in New Zealand for almost five years and, like Paul, has investment banking experience from Korea.

Since arriving in Christchurch both Paul and Caleb have studied accountancy at Canterbury University. In Korea, Paul graduated with an MBA and Caleb with a degree in economics.

Currently Paul is doing a course to become a chartered accountant in New Zealand. "It is very good to have this experience of working in Christchurch", he says.

Both accountants are working with the Korean business community. "We are working mainly for Korean small business.

Many are not very good with their English, so we can act for them because we speak Korean and English," says Paul.

Paul found immediate work with Keith Yardley, while Caleb's experience finding work has been different. Caleb says: "After graduating I applied for many jobs and had many interviews, but they were not successful. In my opinion, I didn't get jobs because of my English-speaking ability and because I am older than the other applicants."

Both employees say language proficiency is the biggest drawback to working in New Zealand but also provides the greatest opportunity. "My biggest challenge working here has been language. Listening has been very difficult because New Zealanders talk very fast and the tone is difficult to understand," says Paul. Caleb states: "The most difficult thing for migrants is to gain New Zealand experience. If one can get a first job then I think a second job is very easy for them."

Language has also been one of the most positive experiences for Paul and Caleb. "Working here has given me the chance to speak more English," says Paul.

"Lack of English ability is the reason for not employing migrants, but most migrants are very diligent. If employers were to employ migrants I think they will work hard. Many employers can give migrants the chance to work. Both they and the migrants will be very happy," says Caleb.



Local Government



The business of migrant employment
Absolutely positively...

The business of migrant employment



Migrant employment is “smart business,” says Wellington City Council chief executive, Garry Poole.

The Wellington City Council’s Migrant and Refugee Work Experience Programme is in its third successful year in 2008, and has resulted in 26 jobs to date.

The programme has “enhanced our organisation by creating a positive work environment, given us greater community engagement and allowed us to better understand and prepare for a more diverse workforce in the future. To us this is smart business,” says Garry.

Run in conjunction with Work and Income New Zealand and the Ministry of Social Development, the programme provides work experience for migrants and refugees.

Since the programme began at the end of 2005, the Council has supported 34 people. Twenty-six have gained employment, including 16 at the Council. The rest are either still on the programme, are undertaking further study, or, in two cases, have left New Zealand.

“We are proud of these results and have been approached by organisations in both the public and private sector interested in what we achieved. The Council is committed to this programme and I believe more programmes like it can only be beneficial,” says the chief executive.

The programme’s coordinator, Amanda Golding, (above) believes the success of the programme is due largely to CEO and management support.

“The Council is committed to this programme and I believe more programmes like it can only be beneficial.”

Equally important is her role as a facilitator between participants and managers. “Working with the participants on the programme has been the most rewarding experience. You must have strong relationship management skills and need to be up-front, not only with the participants but also the managers.”

Because participants bring lots of personal issues to the coordinator, it is essential that the person in the role has strong support. At the Wellington City Council the coordinator’s role is located within the human resources directorate, where technical knowledge and support is on hand.

One of the Council’s participating managers, Maria Archer, says that the programme coordinator “has been extremely helpful and has made life considerably easier. Any issues are quickly sorted out because of the skills, understanding and approachability of the coordinator.” Maria’s team has readily embraced three participants from the WCC programme and she sees benefits for New Zealand employees in developing understanding of other cultures in the workplace.

Absolutely positively



Filipino, Reynaldo Grutas, a current Wellington City Council programme participant, has a general message for New Zealand employers.

“New Zealand employers need to be more open-minded when it comes to employing migrants. Employers need to see the person’s whole experience, not necessarily just make judgements based on language skills only.”

Reynaldo, a trained outside plant engineer with computer-aided design (CAD) skills, worked in the telecommunications industry in the Philippines.

He initially found a job at New World in Newtown. He was trained in several different departments of the store as a wine seller and then became second in charge of the wine department and the bakery. He then looked for employment that better matched his previous skills.

“Before I became a part of the Wellington City Council programme I thought I’d do a short computer course, because I wanted to get a job that suited my professional background.”

Reynaldo is currently gaining work experience in the infrastructure directorate. He has responsibility for assisting maintain the traffic road signs database, which allows him to use his computer and technical skills.

“I think being in this programme and being associated with the Council will help a lot in establishing a career path in New Zealand. It will give future employers a positive impression that you have managed to fit into an organisation like this.”

Violetta Plazewska, from Poland, relocated with her husband to New Zealand in 2006. Her decision to move was tinged with apprehension. “My English is not very good and I knew it wouldn’t be very easy to find a job here,” she says.

Violetta’s work experience in Poland was as an assistant to a Central and Eastern Europe Sales Director and in customer services working for American Express. She hoped her customer service skills would be transferable to a New Zealand setting.

After arriving in New Zealand, Violetta hoped to improve her English by enrolling in a course. After three months “they told me my English was good and I didn’t need to learn anymore. I didn’t believe it,” she says.



Violetta (left) was told to consider volunteering after completing her course. She found a job with Save the Children and worked in the marketing department. “I helped to organise events, type and format documents and organised correspondence to customers. After a few months they hired me as the Receptionist/Personal Assistant to the Director.” She learned of the Wellington City Council Migrant and Refugee Work Experience Programme while working at Save the Children.

She applied and was accepted on the programme, and is now employed by the Newtown library. Chris Hay, Violetta’s manager, says that he could recognise how Violetta’s customer service skills would transfer to a library setting.

At first she was apprehensive of working in a library setting, because in Poland, she says, the library “is a very boring place”. Her Newtown experience has changed her mind about libraries. “You meet customers every day and most of them want to speak with you. If they know that I don’t come from New Zealand they always ask me where I come from, why I am here and ask about life in general in Poland,” she says.

Violetta’s employment has given the library a better understanding of migrant employment issues and employees. Her involvement has given the whole team an insight into the customer needs of a multicultural community such as Newtown.

There have been challenges for the team, such as ensuring that Violetta has understood everything that has been said at team meetings. “I have to slow down and get the message across and the team does this as well,” Chris says.

Violetta is the second person Chris has employed from the programme. The first programme participant has become a permanent member of the team.

“Some of the benefits of the programme are that participants receive targeted support and training as well as access to the same training opportunities offered to other staff,” he says.

For Violetta, “the most important thing I have gained from the programme is that I can speak English everyday for eight hours and this has been the best English school for me. I have the same training opportunities as other Wellington City Council employees. I think this is a very good programme.”

“I think it’s not very hard to find a job in New Zealand if your English is good. If you have a good background and good English you shouldn’t have a problem finding a job.”

Chris said he would encourage other New Zealand employers to give migrants and refugees a go. He has been “blown away by the skills, experiences and work ethic of new New Zealanders”.



From left to right: Zara Chen, Lily Wang, Queenie Lin, Cindy Qin, Louisa Yip, Slava Voronin, Nicky Riddiford, Freda Chen, Sergey Vishnyakov, William Yang, Shaoqiang Cheng and Paul Yan.



Communications



"I was wondering whether..."

“I was wondering whether...”



“I was wondering whether you might have the time to have a meeting today” is a classic slice of Kiwi workplace language. But what would you make of it as a new migrant? Does it mean that an employer is reflecting on the meaning of life or making a specific request? That’s the type of workplace communication dilemma studied at Victoria University.

The Workplace Communication for Skilled Migrants programme is a unique course combining classroom study, workplace internships and Rotary club volunteers to assist skilled migrants into professional work.

The programme began in 2005 and aims to develop appropriate communication skills and improve cultural understanding of New Zealand workplaces for skilled migrants. A key component of the programme is to give participants New Zealand workplace experience through internships.

The course runs for 12 weeks with 6 weeks in class and 6 weeks on work placement.

Since the course began 62 participants graduated and 11 students are currently enrolled totalling 73 migrants. Well over two-thirds (69%) of participants have gained fulltime employment. “These are encouraging figures”, says programme coordinator Nicky Riddiford.

The threshold for participants being accepted into the programme is high. They have to be reasonably fluent in English, experienced in their professions and hold an undergraduate or higher degree. Participants often have reasonable English fluency but they do not have the communication skills to cope with the demands of New Zealand workplaces. In particular, some participants have difficulty using English in a manner that is expected in a professional or commercial environment.



“Since the course began 62 participants graduated and 11 students are currently enrolled totalling 73 migrants.”

Nicky considers the internship component of the programme to be critical. Internships are organised with some formality, with participants facing an interview panel before being accepted. Each participant is assigned a workplace consultant to support them and accompany them to interviews. Over half of the internships have been in the public sector and the rest in the private sector. Employers supporting the programme indicate their desire to contribute to community outcomes and many realise the benefits of having a more diverse workforce.

The in-class programme focuses on professional English, both written and oral and differs from other English courses in that there is a particular focus on the “pragmatics” of workplace English. The course nicely connects teaching and research by drawing on analysis of authentic English interactions in the workplace from the “Language in the Workplace Project” led by Victoria University’s Professor Janet Holmes. Topics covered include small talk and greetings, communicative strategies, slang and idiom, body language, business communications, oral presentations and the language of job interviews.

The Rotary Club of Wellington has been in partnership with the programme since the first intake in 2005 and in Nicky’s view “this has been hugely beneficial to the success of the programme.”

The Race Relations Commissioner Joris de Bres acknowledged the Skilled Migrants Programme for its contribution to race relations in New Zealand in 2006.

Nicky has found her involvement in the programme to be personally rewarding. “My own learning has been huge”, she says.

She has developed a greater understanding of how New Zealanders communicate and of a range of employment-related matters for migrants.

Useful information

Pre-employment guidelines

Some useful websites

Pre-employment guidelines

Introduction

Work is a strategic entry point to a society free of discrimination. A key objective of the Human Rights Act 1993 is to protect people eligible to work in New Zealand from being discriminated against in their working lives.

A large number of enquiries and complaints to the Human Rights Commission concern pre-employment issues such as job advertising, job applications and interviews and job selection processes.

Pre-employment processes generally go well when employers focus on the skills, experience and competencies required for the job.

Employers can then attract and select the best person for the job against objective criteria.

They can go wrong when applicants perceive they have been treated differently because of, for example, their sex, race, ethnic background, age, disability or sexual orientation.

The A to Z Guidelines for employers and employees about pre-employment were compiled from frequently asked questions and enquiries and complaints made to the Human Rights Commission. The Guidelines have been compiled to help employers, recruiters and job-seekers comply with the Human Rights Act 1993 (the Act).

The following extracts from the A to Z are relevant to migrant pre-employment issues and are reproduced here.

Appearance

Should I take out my body piercings for the job interview?

If a body piercing is an aspect of religion or ethnicity, the Act may provide protection against discrimination. For example, for females from South Asia a nose stud may be part of religious belief or ethnicity.

Body piercings other than those associated with religion or ethnicity are not protected by the legislation. For example, an employer can probably ask an employee, while at work, to remove a tongue stud worn for decorative purposes.

Behaviour-based questions

What type of questions can I expect during a job interview?

A job applicant could be asked what are called behaviour-based questions during a job interview, particularly by government agencies. Such questions are asked to explore the use of a particular skill or competency or to check out reactions to a specific situation. Behaviour-based questions often start with a question like, "tell me about a time when..."

The job applicant is expected to talk about particular situations requiring the application of skills or competencies, such as involvement in teamwork or use of communication skills.

The job applicant should describe what happened, what they did and what the outcomes were. It is important for all job applicants to think about the interview in advance and what skills and experience the employer is looking for. Interview preparation could include examples that a job applicant can talk about. For more information on behavioural interviewing see:

<http://web.mit.edu/career/www/guide/star.html>

Migrants and refugees may find behaviour-based questions a novelty and a challenge because they may not be used in their countries of origin. Employers could consider basing behaviour-based questions on the CVs of all applicants or on common work-based scenarios that can be put to all candidates.

See also **Interview**

Discrimination

What is discrimination?

Discrimination is not defined in the Human Rights Act. The Act simply makes it unlawful to treat anyone differently, subject to certain exceptions, on any of the grounds listed in s. 21(1) of the Act.

The Commission will accept a complaint if:

- there is evidence that a person has been treated differently
- the different treatment can be attributed to one of the grounds of unlawful discrimination
- the treatment results in disadvantage.

If you have any questions about discrimination please contact The Human Rights Commission on 0800 496 877 or by email infoline@hrc.co.nz

Dress code

Can an employer ask me to comply with a particular dress code, such as how to arrange my hair or what I must wear at work?

Yes, you may have to comply, as an employer may have policies, for example, a health and safety policy that requires the wearing of a uniform or a dress code, or a policy relating to appearance and grooming that may require a change of appearance or hairstyle. However, the Act may protect against discrimination where appearance or hairstyle is an aspect of religion or ethnicity. For example, an employee who is a Sikh and wears a turban will not have to remove it unless wearing the turban would breach health and safety requirements.

Appearance or hairstyle that is not an aspect of religion or ethnicity is not protected by the Act.

Entitlement to work in New Zealand

Can an employer ask me if I am entitled to work in New Zealand?

Yes, it is unlawful for employers to take on employees who are not entitled to work in New Zealand. Therefore either in the job interview or on the application form all applicants should be asked whether they are entitled to work here, though not about their country of origin. The job applicant's answer should confirm that the applicant is a New Zealand citizen, or a permanent resident, or has a current work permit.

What evidence of entitlement to work in New Zealand can an employer require a job applicant to produce?

Employers should seek evidence of entitlement to work in New Zealand before making an offer of employment. Employers may, but need not, ask for documentation such as passports, birth certificates, citizenship certificates, or residence permits, or Australian residence return visas.

New Zealand citizens (including people from the Cook Islands, Niue, and Tokelau) and Australian citizens do not need a permit to work in New Zealand and nor do residents of New Zealand and Australia.

A New Zealand passport, birth certificate, citizenship certificate or residence permit shows that a job applicant is entitled to work in New Zealand. An Australian passport, Australian permanent residence visa or Australian resident return visa is also proof of entitlement to work in New Zealand.

The passports of job applicants not from New Zealand, the Cook Islands, Niue, Tokelau or Australia will need to have either a New Zealand residence permit or work permit label or stamp to provide proof of entitlement to work in New Zealand.

The Department of Labour is able to provide detailed information about entitlement to work in New Zealand. Telephone 0508 55 88 55; or visit the Department's website www.immigration.govt.nz

Ethnicity or national origins

Is an employer able to interview only applicants from a particular ethnicity or national background on the basis that a majority of customers are from that ethnicity or national background?

No, in most circumstances to interview only applicants from a particular ethnicity or national background because of the customers' preferences will breach the Act. However, an employer can consider an applicant's ethnic

or national origins if the job is that of a counsellor on highly personal matters such as sexual matters or the prevention of violence.

Equality

Can an employer attempt to create a “level playing field” by advertising for a young person, or a Māori, or a Pacific person or a female?

The Act allows employment initiatives to assist people against whom discrimination is unlawful and who need assistance in order to achieve an equal place with other members of the community. This is known as positive discrimination or affirmative action or special measures. The Human Rights Commission has published a 4 page pamphlet *Guidelines on Measures to Ensure Equality*; the Guidelines can be downloaded from:

http://www.hrc.co.nz/hrc_new/hrc/cms/files/documents/18-Mar-2007_18-54-53_Special_Measures_A4_Final_PDF.pdf

A copy of the Guidelines can also be obtained from the Commission by telephoning 0800 496 877 or by sending an email to infoline@hrc.co.nz

Interview

Is an employer required to have a gender and/or ethnicity balance on an interview panel?

No, there is nothing in the Act requiring a gender and/or an ethnicity balance on an interview panel. However, it is desirable for medium- to large-size firms to achieve a gender and/or an ethnicity balance on interview panels to ensure job applicants of either sex and of different ethnicities are not overlooked. Having such a balance is likely to reduce the effects of any stereotypes.

Migrants

What are my rights as a migrant to access work?

Migrants have the same rights in relation to pre-employment and employment as others in New Zealand. The Human Rights Commission has the statutory functions of leading equal employment opportunities and encouraging the development of harmonious relations between individuals and the diverse groups in New Zealand society. Decent employment is widely regarded as a critical element in the social and economic integration of migrants and refugees.

Unfortunately, barriers accessing suitable work mean many migrants experience delays in getting jobs or are under-employed in jobs that do not make best use of their qualifications and experience. Migrants suffer prejudice, fear of difference and

inter-cultural misunderstandings and often have language difficulties. Recent research shows the more similar migrants are in looks, language and European heritage to New Zealanders the more successful they are in securing employment. Another study shows discrimination in job short-listing against those with non-Anglo-Saxon names.

Migrants who believe they have been discriminated against in pre-employment, such as in short-listing or in the interview process, should contact the Human Rights Commission on 0800 496 877 or by email infoline@hrc.co.nz.

See also **Xenophobia**

How can employers attract job applications from migrants?

Employers wanting to increase staff diversity need to audit their recruitment and selection processes to ensure they are not indirectly filtering out applications from migrants. For example, how a job is advertised, including whether it concentrates on core competencies or irrelevant characteristics, can either encourage or dissuade migrant applications. Where and how the position is advertised, the style, tone and tenor of the advertisement and whether it uses EEO statements and shows commitment to diversity are important. Overseas research shows that selection panels that include minority members improve the

success rate for migrants. Interviewers who have been trained to avoid “like me” bias also increase the chances of successful migrant employment. Training is important for all members of selection panels.

Qualifications

What qualifications should an employer ask for?

Every job has competencies that successful applicants need to perform to a reasonable standard. In some cases a specific qualification such as a relevant specialist degree or a technical or trades qualification is essential. For some occupations the existence of formal qualifications, such as a medical degree for doctors is part of professional accreditation. In other cases qualifications may not be essential to the job. Employers should ensure that in job advertising, short-listing for interviews and the interview process, that the qualifications they are seeking are both necessary and relevant for the job.

Applicants need to maximise in their CVs and job applications the connections between their experience and the skills required for the job. For example, volunteer or unpaid work may involve skills such as time management, budgeting, administration and relationship management that are transferable and relevant to a paid job.

Race

Can I be asked to complete a job application form that asks me to indicate my race?

No, discrimination on the basis of race is prohibited by the Act. Employers should avoid asking questions or seeking information about the race, colour, ethnic or national origins of job applicants unless they are collecting anonymous statistical data for EEO reporting or for profiling who responds to their job applications. If an employer is collecting data for such purposes it should ideally be collected on a form that is separate from the job application form.

Reasonable accommodation

What is reasonable accommodation and what does it require of an employer?

Reasonable accommodation is not straightforward, either as a concept or how it is dealt with in the Act. Reasonable accommodation is used to describe the creation of an environment that is intended to ensure equality of opportunity to meet:

- the particular practices of an employee's religious or ethical beliefs; or
- the employee's needs in relation to a disability; or
- the employee's needs in relation to family commitments.

Reasonable accommodation can entail modifications or adjustments which will, for example, allow a job applicant with a disability to participate more equally in a workplace. It can involve physical adjustments, such as ensuring access to a building; or modifying the way a job is done, for example, allocating aspects of the job to another employee.

The Act creates a clear obligation in relation to meeting the particular practices of an employee's religious or ethical beliefs. An employer is obliged to reasonably accommodate an employee's religious beliefs provided that does not unreasonably disrupt the employer's activities.

The Act does not require changes that would unreasonably disrupt an employer's activities. The Act provides a number of defences but before an employer can rely upon them the employer needs to genuinely consider whether the job could be adjusted by assigning those aspects of it that the job applicant is unable to do. There is no case law in New Zealand on what is an unreasonable disruption. It is, however, likely that what is reasonable will depend on the circumstances, taking into account factors such as:

- health and safety;
- cost (in relation to the size of an employer's business); and
- the activities or business of the organisation.

Does reasonable accommodation mean an employer has to spend money adapting equipment or the workplace?

The short answer is 'no'. However, as many adjustments are minor and involve minimal outlay, in the interests of equal employment opportunities and in attracting quality candidates, employers should try to accommodate a job applicant's needs.

Recruitment consultants

Can an employer ask a recruitment consultant to ensure that the only job applicants who are short listed are from a particular group for example young or Pakeha?

No. In the publication *Tools for Tapping into Talent: a Recruitment Training Resource* <http://www.eeotrust.org.nz/toolkits/talent.cfm> the Equal Employment Opportunities Trust and the Recruitment and Consulting Services Association noted that many recruitment consultants have been compromised or embarrassed either by managers who require them to behave illegally, unfairly or unethically, or by their clients' discriminatory briefs. In such situations the Act applies equally to the recruitment consultant and to the employer.

Religious belief

Can an employer ask job applicants if there is anything to prevent them working on Friday, Saturday or Sunday?

An employer should avoid asking questions about a job applicant's religious beliefs or the lack of a religious belief, church activities or participation in religious practices.

If an employer has a concern about a job applicant's availability to work on religious holidays, the schedule of work could be explained and the applicant asked whether this causes any difficulties. For example, if an applicant's religion does not allow work on Saturdays, and that applicant's shifts can be adjusted to accommodate this, the employer must do so, as long as this adjustment would not be unreasonably disruptive.

Can I ask an employer to provide me with a place for prayer at my workplace?

Where a religious belief requires its believers to follow a particular practice, an employer must accommodate the practice so long as any resulting adjustment does not unreasonably disrupt the employer's activities. With particular workplaces it may be possible to provide a room or other designated place at the required times.

See also **Reasonable accommodation**

Speaking English

If an employer needs someone who speaks English fluently, what wording can be used in the advertisement?

The advertisement could read that the job requires the successful applicant to have spoken English at a specified level. An employer could indicate in the advertisement that short-listed candidates would undergo an oral competency test. This would provide an objective measure of oral competency. Only a few jobs will require this level of fluency and oral presentation skills.

Xenophobia

Can an employer specify that I have to have “New Zealand experience”?

No, unless an employer can objectively justify that it is essential for the job. Otherwise the requirement for New Zealand experience may well amount to indirect discrimination.

Can an employer refuse to employ me because I don't speak English with a New Zealand accent?

No, provided the job applicant can be clearly understood. A New Zealand accent is unlikely to be considered a genuine occupational qualification except in rare circumstances.

In November 2007 an Employment Tribunal in the United Kingdom found that an Indian-born British man who worked in a call centre had been discriminated against when he was dismissed because his accent “wasn't English enough.”

See also [Migrants](#)

Disclaimer

While we have tried to make this educational information as accurate as possible, it is not exhaustive and should not be regarded as legal advice. Please contact a lawyer for specific legal advice. You are also welcome to contact the Commission for further information: telephone 0800 496 877 (toll free) or email infoline@hrc.co.nz.

Some useful websites

Human Rights Commission

<http://www.hrc.co.nz> and
<http://www.neon.org.nz>

Business New Zealand

<http://www.businessnz.org.nz/contactus>

Employers and Manufacturers Association

<http://www.ema.co.nz>

Canterbury Employers' Chamber of Commerce http://www.cecc.org.nz/main/skilled_migrants_and_refugees/

Department of Labour

<http://www.dol.govt.nz/>

Equal Employment Opportunities Trust

www.eeotrust.org.nz/index.cfm

The New Zealand Council of Trade Unions

<http://union.org.nz/>

The Community Law Centre

<http://www.communitylaw.org.nz/>

Citizens' Advice Bureaux

<http://www.cab.org.nz/contact/indexdirection.html>

Omega (Opportunities for Migrant Employment in Greater Auckland)

<http://www.omega.org.nz>

Auckland Regional Migrant Services (ARMS)

<http://www.arms-mrc.org.nz>

Department of Immigration

<http://www.immigration.govt.nz/community/stream/employ/>

The Office of Ethnic Affairs

<http://www.ethnicaffairs.govt.nz/oeawebsite.nsf>

Seasonal work NZ

<http://www.seasonalwork.co.nz/index.bsp>

Grow Wellington migrant job

<http://migrants.growwellington.co.nz/mainsite/MigrantJobs.html>

Christchurch City Council migrant

<http://www.ccc.govt.nz/Christchurch/Migrants/FindingWork/>

New Zealand Diversity Action Programme

<http://www.decisionmaker.co.nz/directories/diversity/Govdiv.html>

ESOL Home Tutors website job mentoring service: <http://www.esolht.org.nz/centres/Wellington/Wellington.html>

Wellington City Council migrant employment

<http://www.wellington.govt.nz/move/employment/job/help.html>

Victoria University Workplace

Communication for Skilled Migrants

<http://www.victoria.ac.nz/lals/programmes/english-prof/workplace-communication.aspx>

BRAIN GAIN

www.neon.org.nz



Human Rights
Commission

Te Kāhui Tika Tangata

