



CHECKLIST – CONTRACTORS

1. Is the worker an employee or a contractor?
2. Do you have any reason to believe that the contractor is not a legitimate operator?
3. Have you taken any steps to verify or monitor their legal compliance?
4. Do you have a written agreement with appropriate warranties and indemnities?
5. Are they engaged in “thinning, picking, packing or pruning”?
 - a. If so, have you deducted the appropriate amount of withholding tax?
 - b. If not, have you checked with IRD as to whether withholding tax is deductible?
6. Do you have the required OSH procedures in place?
 - c. Do you carry out an inspection every 6 months?
 - d. Do you review the procedures every 12 months?

FOR MORE INFORMATION ON...

Employee rights & entitlements, written agreements

Department of Labour's Employment Relations Service: <http://www.ers.govt.nz/>

Tax obligations

Inland Revenue Department's Industry Partnership Team: 0800 TAX TALK (0800 829 825)

Immigration status

Immigration New Zealand: <http://www.immigration.govt.nz/>

Health and safety

Department of Labour's Health and Safety Service: <http://www.osh.govt.nz/index.htm>

The Nelson-Marlborough branch of OSH has developed a particularly useful template for vineyard health and safety procedures. Contact Sharon McDonald at sharon.mcdonald@dol.govt.nz.

APPENDIX I – EVIDENCE OF IMMIGRATION STATUS

The following documentation will provide evidence that a person is legally entitled to work in New Zealand:

- a New Zealand passport;
- a New Zealand residence permit;
- an Australian Passport;
- a tax declaration signed no later than the day the worker started working, stating that they are entitled to take the job under the immigration Act. It must have this statement, an IRD number alone is not proof that a worker is legally allowed to work in New Zealand;
- a New Zealand work permit that either specifies they may work for you and the work they can do, or is open, i.e. does not specify;
- a temporary visitor permit with a variation of conditions stamp that either specifies they may work for you and the work they can do, or is open, i.e. does not specify;
- a temporary work permit with a variation of conditions stamp that either specifies they may work for you and the work they can do, or is open, i.e. does not specify;
- a temporary student permit with a variation of conditions stamp that either specifies they may work for you and the work they can do, or is open, i.e. does not specify;
- an exemption notice which means a person is not required to have a work permit or variation of conditions stamp.