



Information for Labour Inspectorate Compliance Audits

Labour Inspectors work with employers and employees (and other people and agencies) to make sure that workplaces follow at least the minimum employment standards and laws.

Their role is to monitor and enforce compliance with employment standards as well as other specific duties outlined in various legislation. They use targeted investigations and audit programmes to find breaches of employment standards and put them right.

WHAT EMPLOYERS NEED TO KNOW IF A LABOUR INSPECTOR COMES TO THEIR WORKPLACE:

If someone comes to a workplace and says they are a Labour Inspector but the employer is not sure that's true, the employer should ask to see their warrant.

Labour Inspectors can:

- come into any workplace (or what they think is a workplace) at a reasonable hour and can bring others with them (including the police);
- interview anyone;
- Ask to see and take copies of wages and time records, holiday and leave records, other documents with remuneration information or any other document that the Labour Inspector reasonably believes will help them determine whether the relevant Acts have been complied with. Employers have to make these available right away and if they don't, the Labour Inspector can bring an action against them for a penalty;
- ask to see and take copies of strikes and lockouts information; and
- question employers about compliance with any of the specified employment-related laws.

EMPLOYERS MUST ENSURE THEY HAVE THE FOLLOWING INFORMATION HELD AT THEIR BUSINESS PREMISES:

- **Employment Agreement:** Each employee must have one and it must be signed by both parties
- **Timesheets:** These must show commencement time and finish time for each day and the number of hours worked. These will also clearly show bins/bays and the rate of pay for the piece work. Timesheets must show total hours for the week to enable the inspector to divide the total gross pay for the week by the number of hours to ensure that adult minimum pay has been achieved
- **Payroll:** Complete Payroll records that show IR330 for Tax, Timesheet for each person, computer printout that shows information entered and the processed pay including evidence of direct credit to the employee's bank account, payslips also.

IF YOU ARE A CONTRACTOR WORKING ON VARIOUS ORCHARDS IT IS RECOMMENDED YOU HAVE THE FOLLOWING DOCUMENTS WITH YOU AT ALL TIMES:

- Proof of identification of all your employees;
- Proof of work permits for all of your employees;
- Time records for your staff; and
- Employment agreements for your staff.

Failure to provide this information will lead to work being delayed.

IF YOU ARE A GROWER AND AN INSPECTION OCCURS ON YOUR PROPERTY, YOU MAY BE ASKED VARIOUS QUESTIONS WHICH COULD INCLUDE THE FOLLOWING:

- Are you subject to audits by third parties;
- Are you audited/certified through any third party assurance e.g. Global GAP.
- Do you monitor your labour hire contractor to ensure compliance with NZ law; and
- If you are an RSE employer you may be asked the extent of domestic labour supply.

HEALTH & SAFETY

Normal procedures relating to health and safety apply to inspectors. They must follow instructions provided at the entrance to the property, signing in and receiving a health and safety induction as per normal procedures for your property. Inspectors may not enter the property via the main entrance. Growers may want to consider placing health and safety guidance on every entrance to the property, not just the main entrance.

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