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# GLOBALG.A.P. GRASP NIG V2

## New Zealand Supplementary Information and Glossary

### Purpose

This document is intended to be provide supplementary information and explanations to the formal GLOBALG.A.P. GRASP V2 National Interpretation Guidelines (NIG) and GRASP V2 Principles and Criteria.

### Document Control

Version	Changes Made	Author	Date published
V1.0	New document	Karen Morrish	July 2023

### Disclaimer

This document endeavours to interpret and present guidance information correctly at the time of publication (July 2023). Regulations and market requirements are subject to change (e.g. minimum wage) but will not be incorporated into these guidelines until the next version of GRASP is published.

## GRASP SECTIONS

### GENERAL

These two points are relevant for the entirety of the GRASP V2 NIG.

- **Record storage times**
  - Employment records must be kept for six (6) years, records kept for IRD purposes must be retained for seven (7) years.
- **Privacy Act 2020 requirements for all records**
  - All Employers must develop a Privacy Policy and make this available to all employees. It is recommended that additional communications (e.g. posters) are used to raise awareness of the policy.
  - The auditor must ensure that a Privacy Policy is in place before conducting the audit. If it not in place, then the audit will be abandoned given the privacy risks.
  - It is also recommended that businesses complete a privacy impact assessment available on the Privacy Commissioner website (<https://privacy.org.nz/responsibilities/privacy-impact-assessments/>)
  - All data containing personal information or unique identifiers must also be stored in accordance with the Privacy Act (Principle 5).
  - A Person may not be identifiable to others.

### SECTION 1: Right of Association and Representation

- **Union registration**

Unions can register via this process: <https://www.companiesoffice.govt.nz/all-registers/registered-unions/registering-as-a-union>
- **Labour Contractors**

A list of registered contractors can be found on the NZ GAP website ([NZGAP Contractor Register](#)) or via Zespri's C.A.V. standard (<https://industry.zespri.com/contractors/>)

### SECTION 2:

No supplementary information.

### SECTION 3: Complaint Process

- **Employment Agreements**
  - These are required to detail the steps that will be taken to resolve problems, including the 90 period within which a Personal Grievance must be filed within
- Employment New Zealand sets out the steps to take to resolve problems, this includes mediation, the labour inspectorate and records of settlement.
- Any information kept on complaints must be recorded and stored in accordance with the Privacy Act 2020 (Privacy Principle 5) and kept for six years.

## SECTION 4: Producer's Human Rights Policies

- New Zealand was a founding member of the International Labour Organisation ([www.ilo.org](http://www.ilo.org)). Ratification to the principles can be found at: <https://www.mbie.govt.nz/assets/0a9265ba54/international-labour-conventions-ratified-by-nz.pdf>

## SECTION 5: Access of Labor Regulation Information

- “Know your employee rights” information is available for employees (starting employment, hours and wages, minimum rights, leave and holidays, workplace policies, resolving problems and ending employment) at <https://www.employment.govt.nz/#>
- Translated pages are available in these languages: Māori, Arabic, Chinese, Cook Islands Māori, Fijian, French, German, Gujarati, Hindi, Japanese, Korean, Niuean, Punjabi, Samoan, Spanish, Tagalog, Thai, Tongan and Vietnamese
- <https://www.legislation.govt.nz/act/public/2000/0024/latest/whole.html#DLM58640>

## SECTION 6: Terms of Employment Documents and Forced Labour Indicators

- An **Employment Agreement** must contain certain things, such as:  
Employer name, employee name, Employee's age (if under 20), place of work, type of work/position, type of employment agreement, working hours, pay, days/hours, complaints process, remuneration, payment method, any trial periods.  
A full and up to date list can be found at <https://www.employment.govt.nz/starting-employment/employment-agreements/things-an-agreement-must-contain/>  
An Employment Agreement must also be signed by both parties
- Accepted documentation to prove eligibility to work within New Zealand is a NZ passport or an overseas passport with the appropriate visa. A New Zealand drivers' licence may also be another form of photo identification acceptable for confirming certain details
- The legitimacy of contractors can be checked on the following places:
  - NZ Companies Register
  - CAV status (as detailed in Section 1)
  - NZGap contractor status (as detailed in Section 1)
- A business should also check with the Employment Courts for any Employment Relations Act breaches (<https://www.employment.govt.nz/elaw-search/>) or on the stand-down list (<https://www.employment.govt.nz/assets/Uploads/employers-visa-stand-down-report.pdf>)
- Employers must have a valid Accredited Employer Work Visa (AEWV) accreditation from 2024 onwards (<https://www.immigration.govt.nz/employ-migrants/new-employer-accreditation-and-work-visa>)
- All Employment Agreements must be in writing and acknowledged by both parties
- Employment Agreements must be given to a prospective employee before employment commences (a proposal for employment). The employee is then given sufficient time to take the agreement away, read it, obtain external advice if necessary before signing and returning. Only then can employment commence (as per the Employment Relations Act 2000. Section 64(2)).
- <https://www.legislation.govt.nz/act/public/2000/0024/latest/whole.html>

- A Job Description (as detailed in the Employment Agreement) should not be basic, it must be appropriate to the role and tasks reflecting the duties that the employee will carry out. It may also contain a broad statement such as “and any other reasonable instruction....”
- Other useful information sources:
  - MBIE Fact Sheet: <https://www.employment.govt.nz/tools-and-resources/> (Working Arrangements)

## SECTION 7: Payments

- Inland Revenue states that **wage information kept** must include:  
Total gross earnings (before PAYE is deducted), amount of earnings not liable for ACC earner levy, amount of PAYE deducted, donations or tax credits, child support or student loan deductions, KiwiSaver employee deductions and gross employer contributions, other superannuation contributions, ESCT (Employer Superannuation Contribution Tax), any employee share scheme (ESS), value of tax-free reimbursing allowances, any advanced pay, any personal service rehabilitation payments, any extra pay that’s taxed at less than 17.5c in the dollar.
- Employers must be able to prove that piece rates equate to at least minimum wage payments with the averaging period of work completed being no longer than a fortnight (14 days). The calculation must be understandable by both the employer and employee. There must be evidence of the correct payment of piece rates and must apply to employees and workers (contracted or sub-contracted).
- There is no legislative requirement for payslips to be provided or kept, but it is an Employees right (as per the Privacy Act 2020) to view their own records (Principle 6)
- Templates for wages and time record sheets (including piece rates) are available on the MBIE website: <https://www.employment.govt.nz/hours-and-wages/keeping-accurate-records/>
- Other useful information sources:
  - <https://www.ird.govt.n/managing-my-tax/record-keeping>

## SECTION 8: Wages

- **Wage and time records** must include the following:  
name, postal address, age (if under 20), date that work started, employment agreement type (individual or collective), signed copy of the agreement, type of work employed for number of hours worked each day and pay for each of those hours, any additional hours worked (for those on salary), any employment relations education taken, wages paid in each pay period and how they have been calculated, dates of becoming entitled to annual holidays, sick leave, bereavement, family violent leave and current entitlement levels dates of any leave taken (inc. annual, sick, bereavement and family violence) with payment received for each, date and amount of payment and the portion of any paid out annual holidays, dates and numbers of hours worked on public holidays and payment for these the date (24 hour period) the public holiday/part of is transferred to and the date the employee became entitled to any alternative holiday, dates of/payments for public or alternative holidays that weren't worked but were entitled to holiday pay, cash value of any alternative holidays exchanged for payment, cash value for any board/lodgings provided date when employment ended, amount of holiday pay received at end of employment copy of their tax code declaration (IR330)

- Additionally, employers records should also include:  
Records of all wage deductions, such as PAYE/student loan/superannuation/other agreed deductions, dates that any extra provisions in employees' employment agreements take effect, evidence of compliance with H&S responsibilities, evidence of rest and meal breaks provided (or compensation for those), ICE contact details (In Case of Emergency), employee's bank details if this payment method has been agree to, details or work permits, if applicable.
  - Wage protection Act: (added in NIG template)  
<https://www.legislation.govt.nz/act/public/1983/0143/latest/whole.html>
  - Minimum Wage Act 1983  
<https://www.legislation.govt.nz/act/public/1983/0115/latest/DLM74093.html>
- **Collective agreements** detailed should show the title and expiry date of the agreement and the employee's classification
- Wage and time records must also demonstrate that the minimum hourly rate was earned for each hour worked
- Overtime is on a voluntary basis (the employee agrees to it) and it is paid at least at the minimum wage rate
- **Public Holidays**  
<https://www.employment.govt.nz/leave-and-holidays>  
Employees get a paid day off on public holidays if it's a day they would normally work. If the employee ends up working on the public holiday, they are paid at least time and a half, and get an alternative day off. Where a public holiday falls on a Saturday or Sunday, and the employee doesn't normally work on that day, the public holiday is "Mondayised" and moved to the following Monday (or in some cases the Tuesday)  
Holidays Act 2003. Section 50. Employer must pay employee at least time and a half for working on public holiday
- The Fair Payment Agreements system brings together unions and employer associations within a sector to bargain for minimum employment terms for all covered employees in an industry or occupation. The Fair Pay Agreements dashboard details at which stage agreements are (national): <https://www.mbie.govt.nz/business-and-employment/employment-and-skills/fair-pay-agreements/fpa-dashboard>
- Other useful information:
  - The MBIE website has a useful "Otherwise working day calculator"  
<https://www.employment.govt.nz/leave-and-holidays/otherwise-working-day/>
  - <https://www.employment.govt.nz/tools-and-resources> (Pay and Wages).  
Deductions must be in writing and agreed to by the employee, they must be actual and reasonable and transparent
  - Holidays: <https://www.employment.govt.nz/assets/uploads/tools-and-resources/publications/leave-holiday-guide-employees-legal-entitlements.pdf>

## SECTION 9: Working age, child labour, and young workers

- **In relation to employing minors, whichever is the stricter, either NZ legislation or GLOBALG.A.P. GRASP V2 P&Cs must be followed.**
- Any exemptions to the work hours for school-age children (<16y) must be obtained from the Ministry of Education in writing.

- School-age children (<16y) must NOT:
  - Drive any tractor or any vehicle (other than a car, truck, motorcycle or machinery that weighs 700kg or less)
  - Ride on any vehicle when it's towing or is attached to anything, nor ride on anything towed by or attached to any vehicle
  - Note: there is an exception for agriculture which allows young doing contract work who are over the age of **12 years** to use tractors for agricultural work provided they are fully trained, or being trained, or they live on the property
- <https://www.worksafe.govt.nz/topic-and-industry/agriculture/farm-vehicles/tractors/safe-use-of-tractors-guide/#lf-doc-35647>
- School-age children (15 years or younger) also cannot work:
  - In any area where goods or hazardous substances are being manufactured
  - In any area where the work requires lifting heavy weights
  - In any area where the work being done is likely to harm the employee
  - With any machinery or assist work with any machinery

## SECTION 10: Compulsory School Age and School Access

- Education agencies available in NZ that provide information and resources about studying and teaching within NZ:
  - <https://www.education.govt.nz/our-work/our-role-and-our-people/education-in-nz/education-agencies>

## SECTION 11: Time Recording Systems

- Employment Relations Act 2000. Section 69ZD. The rest and meal breaks that an employer must provide are as follows:

Hours working	Rest break	Meal break
2-4 hours	10 minutes PAID	-
4-6 hours	10 minutes PAID	30 minutes UNPAID
6-8 hours	2 x 10 minutes PAID	30 minutes UNPAID
Over 8 hours	As per 6-8 hours PLUS:	
Extra 2-4 hours	10 minutes PAID	
Extra 4-6 hours	10 minutes PAID	30 minutes UNPAID
Extra 6-8 hours	2 x 10 minutes PAID	30 minutes UNPAID

- Employment Relations Act 2000. Section 69ZE also outlines the timing of rest and meal breaks
- How Paid breaks are calculated:

$$\text{PAY} = \frac{\text{Minutes break (e.g. 10)}}{60} \times \frac{\text{Take pay for the day}}{\text{Total hours worked for the day}}$$

- Truck drivers work and rest requirements:
  - Drivers must take a break of at least 30 minutes after 5 ½ hours of work time
  - In any cumulative workday (24 hours), a maximum of 13 hours can be worked then a continuous break of 10 hours must be taken
  - A truck driver can accumulate a total of 70 hours work time before they must take a continuous break of at least 24 hours

- Note: payment for hours of work and rest breaks must be done so in an identifiable way so that it can be shown that the breaks have been taken and amount paid for the breaks
- Other useful information:
  - Calculating breaks and leave: <https://www.employment.govt.nz/leave-and-holidays/calculating-payments-for-leave-and-holidays/>
  - <https://www.employment.govt.nz/tools-and-resources/> look for “Hours of Work” and “Annual leave/holidays”
  - <https://www.employment.govt.nz/hours-and-wages/breaks/rest-and-meal-breaks>  
Paid Rest Breaks - a rate of pay for breaks can be calculated based on the rate of pay employees will have been receiving at the time of the break (inc. piece rates)

### SECTION 12: Working Hours

- No supplementary information
- Employment Relations Amendment Act 2018
- <https://www.employment.govt.nz/about/employment-law/employment-relations-amendment-act-2018/>

### SECTION 13: Disciplinary Procedures

- Depreciative value must also be taken into consideration (with deductions) where applicable
- Employer Relations Act – Section 20 (5)
- <https://www.legislation.govt.nz/act/public/2000/0024/latest/DLM58317.html>



## Glossary (in alphabetical order)

Term	Clarification	Relevant sections
Agricultural work organisation	Union	1
Average daily pay	ADP is a daily average of the employee's gross earnings over the past 52 weeks. This means the employee's gross earnings are divided by the number of whole or part days the employee worked, including any paid leave or holiday during that period <a href="https://www.employment.govt.nz/assets/Uploads/tools-and-resources/publications/0b08fa3ffc/using-relevant-daily-pay-and-average-daily-pay.pdf">https://www.employment.govt.nz/assets/Uploads/tools-and-resources/publications/0b08fa3ffc/using-relevant-daily-pay-and-average-daily-pay.pdf</a> <a href="http://apps.employment.govt.nz/holiday-tool/rdpanswer.aspx">http://apps.employment.govt.nz/holiday-tool/rdpanswer.aspx</a>	11
Average weekly earnings	Average weekly earnings are worked out by calculating the employee's gross earnings over the 12 months prior to the end of the last payroll period before the annual holiday is taken and dividing that figure by 52. These payments make up gross earnings and should be included in the calculation: <ul style="list-style-type: none"> <li>• salary and wages</li> <li>• allowances (but not reimbursing allowances)</li> <li>• all overtime</li> <li>• piece work</li> <li>• at-risk, productivity or performance payments</li> <li>• commission</li> <li>• payment for annual holidays and public holidays</li> <li>• payment for sick and bereavement leave</li> <li>• the cash value of board and lodgings supplied</li> <li>• the first week of compensation payable by the employer under s97 of the ACC Act 2001</li> <li>• any other payments that are required to be made under the terms of the employment agreement.</li> </ul> <a href="https://www.employment.govt.nz/assets/Uploads/tools-and-resources/flowcharts/df7b3fa737/Holiday-Act-Guidance-tools-4-Ordinary-Weekly-Pay-vs-Average-Weekly-Earnings.pdf">https://www.employment.govt.nz/assets/Uploads/tools-and-resources/flowcharts/df7b3fa737/Holiday-Act-Guidance-tools-4-Ordinary-Weekly-Pay-vs-Average-Weekly-Earnings.pdf</a>	11
Casual	( <i>colloquial terminology</i> ). No regular hours of work, pattern or guarantee, no ongoing expectation. Has an Employment Agreement	6
Collective bargaining	Negotiation of wages and other conditions of employment by an organised body of employees	8
Commission	Pay is based on sales made or targets met	8
Contractor	Contracted worker for a specific purpose. Invoices the employer for their services. Has a Contract for Service Agreement	6
Debt bondage	Where an employee is forced to work as a means of repaying a debt or any other obligation OR the debt repayment takes the worker below the minimum wage OR the debt is impossible to pay	6
Employee	Any person of any age employed directly by an employer to do the work for hire or reward under an Employment Agreement	General
Family Farm	A farm run as a family's core business by the core family members (not employed managers) – see also definition in GRASP Glossary	General

Term	Clarification	Relevant sections
Fixed Term	End date is based on an actual date or event (i.e. harvest or parental leave). There is an Employment Agreement in place	6
Hazard	(as defined in the HSAW Act 2015): anything that can cause harm. Including a person's behaviour where that behaviour has the potential to cause death, injury, or illness to a person (whether or not that behaviour results from physical or mental fatigue, drugs, alcohol, traumatic shock, or another temporary condition that affects a person's behaviour)	9
ILO	International Labour Organisation	4
Labour Agency	Labour contractor	6
Labour organisation	Labour contractor	2
MBIE	Ministry for Business, Innovation and Employment	1
Minor	<16 years old. 15 years old or younger	9
NGO	Non-Governmental Organisation	4
Ordinary weekly pay	Ordinary weekly pay is the amount an employee receives under his or her employment agreement for an ordinary working week, including: <ul style="list-style-type: none"> <li>regular allowances, such as a shift allowance</li> <li>regular productivity or incentive-based payments (including commission or piece rates)</li> <li>the cash value of board or lodgings</li> <li>regular overtime.</li> </ul> Intermittent or one-off payments as well as discretionary payments and employer contributions to superannuation schemes are not included in ordinary weekly pay. <a href="https://www.employment.govt.nz/assets/Uploads/tools-and-resources/flowcharts/e56f41f9df/Holiday-Act-Guidance-tools-5-What-is-a-regular-payment-for-Ordinary-Weekly-Pay-.pdf">https://www.employment.govt.nz/assets/Uploads/tools-and-resources/flowcharts/e56f41f9df/Holiday-Act-Guidance-tools-5-What-is-a-regular-payment-for-Ordinary-Weekly-Pay-.pdf</a>	11
PAYE	Pay As You Earn (NZ's way of collecting income tax and ACC levies from employees)	7
Payment for PPE (Personal Protective Equipment)	This is not permitted. PPE is a cost of the employer	8
Payment for training	Training undertaken during normal working hours must be paid. Payment for training outside of work hours is negotiated between the employer and employee	8
PCBU	Person Conducting a Business or Undertaking	General, 9, 12
Penal rates	Additional amounts agreed to for doing certain tasks or shifts or hours	8
Permanent	Ongoing. Has an Employment Agreement	6
Piece rate	A commission where the employee is paid for the number of pieces that worked on. For example, being paid for the number of trays of vegetables picked, or the number of trees pruned. Employees paid per piece must still receive at least the relevant minimum wage for each hour worked	7
Relevant daily pay	Relevant daily pay is the amount the employee would have earned on the day if they had worked, and it includes: <ul style="list-style-type: none"> <li>productivity or incentive payments, including commission or piece rates; if the employee would have received those payments had they worked</li> <li>overtime payments</li> </ul>	11

Term	Clarification	Relevant sections
	<ul style="list-style-type: none"> <li>the cash value of board and lodgings provided  <a href="https://www.employment.govt.nz/assets/Uploads/tools-and-resources/publications/0b08fa3ffc/using-relevant-daily-pay-and-average-daily-pay.pdf">https://www.employment.govt.nz/assets/Uploads/tools-and-resources/publications/0b08fa3ffc/using-relevant-daily-pay-and-average-daily-pay.pdf</a>  <a href="http://apps.employment.govt.nz/holiday-tool/rdpanswer.aspx">http://apps.employment.govt.nz/holiday-tool/rdpanswer.aspx</a> </li> </ul>	
Salary	Fixed amount per year (must still be equal to or higher than the relevant minimum wage rate for each hour worked)	8
Voluntary	The employee is not forced to do overtime. Any overtime work is paid	6
Wages	Payment based on the time worked (normally per hour)	8
Worker	Any other worker contracted (by a Labour Contractor) to do work for hire or reward under a Contract for Service	General
Worker organisation	Union	1
Workers (generic)	Any employee or worker (Contractor or sub-contractor) engaged in employment	4