



## ■ ■ INTER-AGENCY UNDERSTANDING: VANUATU

✎ Inter-Agency Understanding between the Department of Labour of New Zealand and the Ministry of Internal Affairs of the Republic of Vanuatu in support of New Zealand's Recognised Seasonal Employer Work Policy

REPUBLIC OF VANUATU



MINISTRY OF INTERNAL AFFAIRS

Department of Labour  
TE TARI MAHI



# INTER-AGENCY UNDERSTANDING



## 1. PARTICIPANTS

1.1. This Understanding (“**Understanding**”) is between:

- the Department of Labour of New Zealand (“**the Department**”) acting on behalf of its Secretary, with responsibility for the administration of the New Zealand Immigration Act 1987
- and
- the Ministry of Internal Affairs of the Republic of Vanuatu (“**the Ministry**”) who has responsibility for labour matters

hereinafter referred to as (“**the Participants**”).

## 2. PURPOSE

- 2.1 The purpose of this Understanding is to set out the arrangements to facilitate access of Vanuatu nationals to seasonal work in the horticulture and viticulture industries under New Zealand’s Recognised Seasonal Employer Work Policy.
- 2.2 Country specific facilitative arrangements are set out in Schedule One of this Understanding.

## 3. DEFINITIONS

- 3.1 For the purposes of this Understanding, the following definitions apply:
- 3.2 Agreement to Recruit (“**ATR**”) means an approval for a Recognised Seasonal Employer to offer employment (in planting, maintaining, harvesting, and packing crops) to non-New Zealand national or resident workers;
- 3.3 Commissioner of Labour means the position established by Section 2 of the Employment Act (CAP.160) (Vanuatu);
- 3.4 Licensed Seasonal Employment Agent has the same meaning as in Section 65 of the Vanuatu Employment Act 1983 and the agreed policy guidelines;
- 3.5 National RSE Officer means the National RSE Officer of the Department; and
- 3.6 Recognised Seasonal Employer (“**RSE**”) means a New Zealand employer, whose core area of business is horticulture or viticulture, and who has had an application for RSE status approved by Immigration New Zealand (“**INZ**”).

## 4. PRINCIPLES

- 4.1 The facilitative arrangements must be designed and implemented consistent with the following principles:
- equity of access and opportunity
  - transparency of process and decision making



- accountability
- development focused, and
- mitigation of risk.

## 5. CRITICAL SUCCESS OUTCOMES

5.1 **The Department** enters into this Understanding with a view to achieving the following outcomes, notably:

- achieving objectives of the RSE Work Policy which is attached as Schedule Three of this Understanding
- avoiding: overstaying and exploitation of workers; displacement of New Zealand's workforce; and suppression of wage growth in the horticulture and viticulture industries
- securing at least 50% of the available places under the RSE Work Policy, over the first five years, from eligible Forum Island Countries. To help achieve this goal specific Forum Island Countries will be assisted to establish facilitative arrangements, and
- contributing to the development objectives in the Pacific by fostering economic growth and regional integration under the RSE Work Policy.



5.2 **The Ministry** enters into this Understanding with a view to achieving the following outcomes, notably that Vanuatu:

- promotes itself as an efficient and reliable source of labour and secures a fair portion of the seasonal work opportunities under the scheme
- workers are able to generate savings and relevant experience which may contribute to the development of Vanuatu
- cooperates effectively with New Zealand to maintain the integrity of the facilitative arrangements and to ensure the long-term sustainability of the RSE Work Policy, and
- has the capability to effectively administer and monitor the implementation of the facilitative arrangements.

## 6. CRITICAL SUCCESS FACTORS

6.1 Facilitative arrangements will be effective if:

- RSEs establish productive relationships with Vanuatu and obtain a supplementary workforce to sustain their industries
- objectives are achieved and principles are adhered to
- both Participants have specific and timely information to enable Vanuatu to effectively participate in this scheme, and actively participate in monitoring and evaluating measures of success and outcomes resulting, and



- Vanuatu nationals enjoy fair access to the RSE Work Policy, fair and reasonable treatment by RSEs, adjust to New Zealand conditions, derive income and skills, have successful re-entry into their home community and heighten the prospect of return employment in New Zealand.

## 7. FACILITATIVE ARRANGEMENTS

- 7.1 The facilitative arrangements under this Understanding must be consistent with the principles and outcomes set out in Sections Four and Five above, mutually determined in writing by both Participants, appended as Schedule One of this Understanding and reviewed at least annually.
- 7.2 The facilitative arrangements will assist RSEs to recruit from Vanuatu, enable Vanuatu nationals fair access to the RSE work scheme, allocate responsibilities and actions to Participants for mitigating risks and ensure compliance and outline cooperation between Participants for information sharing, marketing and other matters important to the success of the RSE Work Policy.
- 7.3 The facilitative arrangements must always be consistent with the current RSE Work Policy which is appended as Schedule Three of this Understanding.



- 7.4 The Ministry delegates to the Department of Labour Vanuatu ("**Department-VAN**") the authority to carry the facilitative arrangements outlined in Schedule One of this Understanding.

## 8. IMMIGRATION DECISIONS

- 8.1 The decision to grant a work visa or permit under the RSE Work Policy remains the prerogative of the Department with decisions being made on a case by case basis in accordance with requirements laid down in New Zealand immigration legislation, regulations and any applicable Government immigration policy.

## 9. MARKETING

- 9.1 The need for Vanuatu to market itself to RSE's as a source of reliable seasonal labour is recognised. Where possible, the Department will assist marketing initiatives mounted by the Ministry.

## 10. INFORMATION COLLECTION



- 10.1 The Participants will cooperate in the collection and sharing of information in a manner consistent with their applicable laws.
- 10.2 The Participants will cooperate to monitor and evaluate the RSE Work Policy and arrangements under this Understanding. Monitoring and evaluation mechanisms will enable the Participants to assess progress against the Participant's outcomes (Section Five) and critical success factors (Section Six), identify successes and inform areas for improvement in arrangements that respective Participants are responsible for. The Participants will in particular cooperate to conduct random surveys of stakeholders to assess efficiency and transparency of recruitment procedures.

- 10.3 For the purposes of evaluation any information collected from Vanuatu workers about their participation in the RSE Work Policy will be voluntary. The Department will only use information for statistical or research purposes and will not publish in a form that could reasonably be expected to identify any individuals.

## **11. PUBLICITY**

- 11.1 The Participants will make efforts to increase awareness and understanding of the RSE Work Policy in Vanuatu and in New Zealand.
- 11.2 The Participants will act promptly to correct any false or misleading information about the RSE Work Policy.
- 11.3 The Participants will notify each other on the public release of this Understanding, in part or in whole. Information contained in this Understanding can be shared with RSE's.

## **12. REVIEW**

- 12.1 This Understanding will be reviewed annually on a date mutually determined by the Participants. The review will provide an opportunity to discuss issues and consider changes to this Understanding. The review will consider the degree to which the facilitative arrangements are being implemented with respect to principles mutually determined by the Participants and outlined in Section Four of this Understanding.
- 12.2 The Participants acknowledge that arrangements under this Understanding are likely to evolve with experience.
- 12.3 The Participants will consult as necessary to promptly address and endeavour to resolve any issues arising out of this Understanding or the operation of facilitative arrangements. Such issues may include needs for capacity building through institutional strengthening and/or improvement in co-ordination among government agencies.

## **13. VARIATIONS/AMENDMENTS/ADDITIONS**

- 13.1 This Understanding may be amended at any time by mutual determination in writing by the Participants. Schedule One of this Understanding may be amended with written consent of any persons to whom the Participants have duly delegated authority.

## **14. COMMENCEMENT AND TERMINATION**

- 14.1 This Understanding will come into effect upon signature by both Participants and may be terminated by either Participant upon written notice to the other Participant.
- 14.2 Any evidence of corruption or unethical practice that is not dealt with effectively and immediately will jeopardise participation in the RSE Work Policy and potentially result in the termination of this Understanding.

## 15. NOTICES

15.1 The address for notices to the Department, for matters related to this Understanding is:

National RSE Officer - Pacific Division  
Workforce  
Department of Labour  
PO Box 3705  
Wellington  
New Zealand

15.2 The address for notices to the Ministry for matters related to this Understanding is:

The Director General  
Ministry of Internal Affairs  
PMB 9036  
Vanuatu Government

Signed at Villa Maria Estate Auckland on 20 April 2007, in  
two copies in the English language, each having equal validity.

→ M.A.T.

**Mary Anne Thompson**  
Deputy Secretary, Workforce  
(Head of Immigration New Zealand)

For the Department of Labour of  
New Zealand

→ J. Wabaiat

**Johnson Wabaiat**  
Director General

For Ministry of Internal Affairs of the  
Republic of Vanuatu