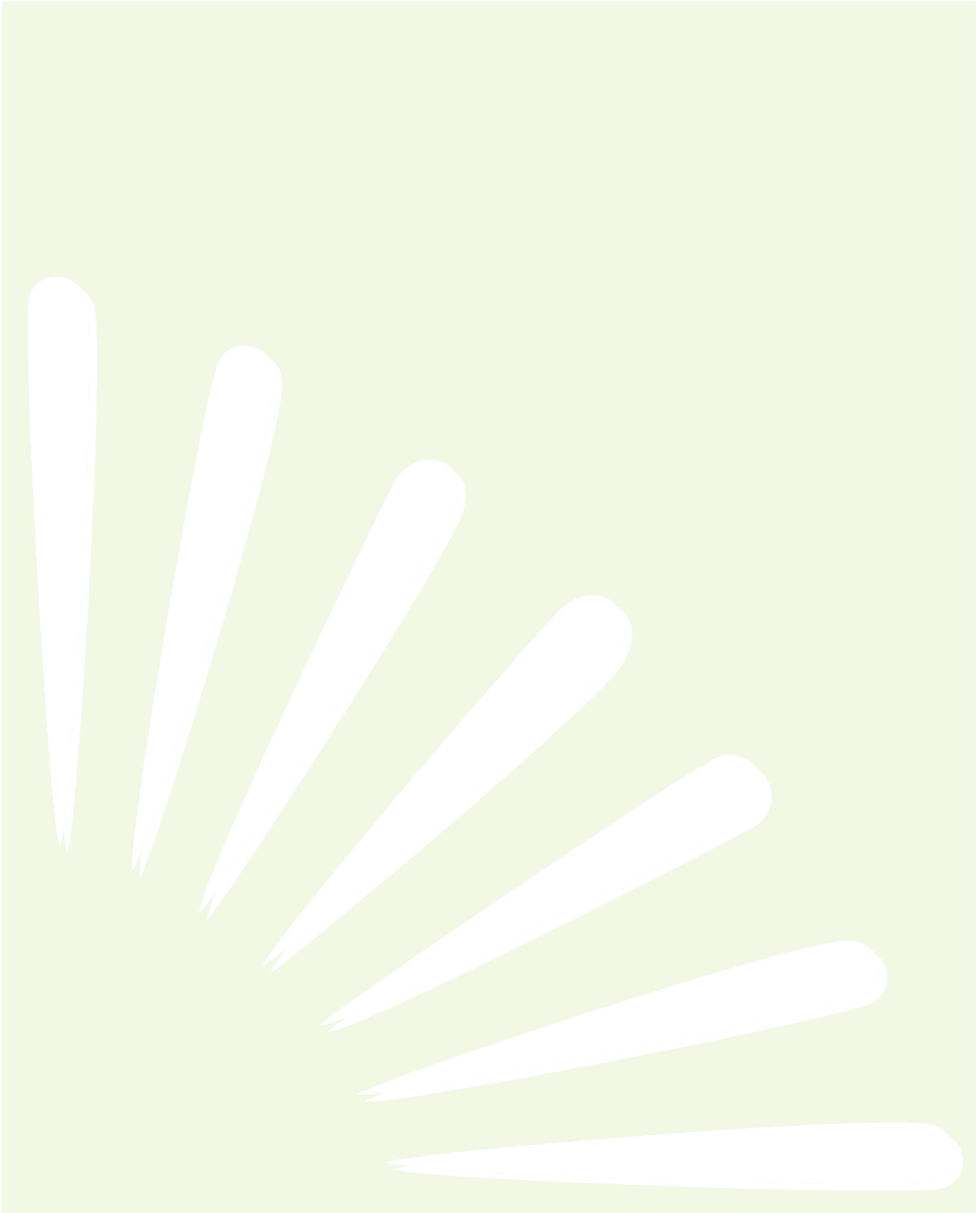




# GRASP

Guidelines for Kiwifruit Industry Contractors



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## Introduction

GRASP (GLOBALG.A.P Risk Assessment on Social Practice) is an add-on module to the GLOBALG.A.P standard. The module defines the minimum requirements for a good social management system in primary production. It aims to help employers establish good practices in regards to looking after the welfare of employees, and meeting their obligations under workplace employment law.

The kiwifruit industry supports the encouragement of working environments that promote the health, safety and welfare of the people that work in them. Regardless of whether you employ staff directly, use contracted labour or a combination of both, you have the ability to affect the working conditions in our industry in a positive way. You also have a moral, and in some cases a legal obligation, to ensure you do everything possible to protect the health, safety and welfare of everyone that works for you.

Social responsibility is not just one person's job, it's something that we should all collectively contribute to. Although GRASP itself is just an assessment that is carried out once a year, we encourage you to use the resources and other training tools available year round to improve the awareness of employees, and to foster a safe, healthy and productive working environment for all.

Note: GLOBALG.A.P certification requirements, including the GRASP module, are global principles-based standards and do not constitute a full or complete statement of legal responsibilities. Applicable laws in the jurisdiction in which your work is located supersede these standards requirements. Zespri strongly recommends that contractors seek professional legal advice to understand their legal responsibilities and ensure that they comply.

## The GRASP assessment process

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The objective of the GRASP module is to encourage best practice rather than enforce it. A large number of the questions however are required under NZ law and hence must be met, so as an industry we expect a high degree of overall compliance.

GRASP covers all workers, whether they are permanent, seasonal, piece-rate employees, or on a working or student visa. So if you employ anyone at all, at any-time during the year, for any length of time, then the GRASP assessment questions will apply to you. If you do not employ anyone directly, please read the section below on sub - contractors.

The GRASP assessment can be completed at the same time as your annual GAP inspection, or it can be completely separately if this works better for yourself and your inspector.

The contractor themselves and the person responsible for employee health, safety and welfare (this could be the same person), must be present for the assessment. Note that under the Health and Safety at Work Act this would be the PCBU (Person Conducting a Business or Undertaking). If there is an elected or appointed employee representative then they must be present for at least part of the assessment (either the opening meeting, during the assessment or at the closing meeting). If they are not present then control point 1.5 cannot be met.

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## The GRASP scope

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The GRASP assessment covers the following areas of worker welfare and working conditions:

- Worker representation
- Complaint handling
- Self-declaration on human rights
- Access to national labour regulations
- Contracts compliant with national laws
- Fair and regular wages
- No child labour
- Schooling for children
- Regulated working hours
- Self-organisation and collective bargaining
- No discrimination

## Sub-Contractors

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The contractor audit programme currently includes spray contractors, fertiliser contractors and harvest contractors. From 2018 onwards, the contractor audit programme will also include contractors that undertake pruning and any other vine maintenance work. All contractors, regardless of whether they are contracting directly to a grower, or sub-contracting, must be inspected for both GAP and GRASP. If you are using sub-contracted labour then you must ensure that you check the compliance of the sub-contractor before using them. To verify that the sub-contractor has completed a GAP and a GRASP assessment you need to sight their CAV (Compliance Assessment Verification) or other certificate that demonstrates compliance. Make sure you check that the validity of the certificate so that they are compliant for the time that they will be contracting to you.

If you use sub-contracted labour, then you have an obligation to do what you can to ensure that they are working in compliance with NZ legislation and are treating their workers fairly. You can do this by talking with your sub-contractor and asking them questions, observing the work they undertake, and having a written agreement with them that includes, as a minimum, their commitment to comply with NZ employment legislation. If you are not satisfied that they are fulfilling their legal obligations then you should not continue to use their services, and you can report the issue to the relevant authority. Refer to the non-compliance section below. If you continue to use a sub-contractor knowing they are operating illegally then you may be considered complicit in any action taken by the relevant authorities. You have an obligation to not be involved in this activity, whether directly or indirectly, and to report it when it occurs.

We encourage regular and open communication with your sub-contractors to talk about how they ensure compliance with NZ labour laws. All contractors will all be provided with a copy of the GRASP Guidelines for Kiwifruit Industry Contractors (this document). In addition, there are a number of resources from government and industry available to assist contractors. Refer to the Useful Websites section at the end of this document.

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## Employee Privacy

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Principle 10 of the Privacy Act requires that personal information should only be used for the purpose for which it was collected, unless one of the exceptions in the Privacy Act applies. Personal information relating to contract and wage records will be required to be made available to auditors for the purpose of confirming compliance with the GRASP requirements.

For the purposes of the GRASP assessment no names are allowed to be recorded and no copies of any documentation are allowed to be taken. The person conducting the assessment will need to see a sample of records to verify compliance to the control points only. The sample size will depend on the number and type of employees, it may be all or just some of the employee records. Zespri strongly encourages employers to seek legal advice regarding requirements for releasing such records.

In order to complete the GRASP assessment this information needs to be sighted. If you do not want to disclose this information then you are not allowed to undertake work for any kiwifruit orchards that supply to Zespri. Because GRASP is a condition of supply for some of our customers, Zespri cannot accept product from orchards whose contractors have not completed a GRASP assessment.

## Non – Compliances

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You do not need to answer yes to every control point as some of the questions are best practice, i.e. if they are recommended rather than mandatory, and not required under NZ law. There may also be control points that are not applicable to your operation. Where the control point is a legal requirement action must be undertaken to comply.

If you wish to report any non-compliance you can call:

- ◉ 0800 20 90 20 for any employment related issues
- ◉ 0800 03 00 40 for any health and safety related issues
- ◉ 0800 558 855 (Immigration NZ) or 0800 555 111 (Crimestoppers) for any immigration related issues

For more information on the process of resolving employment problems refer to the 'Resolving Problems' section of the Employment New Zealand website ([www.employment.govt.nz](http://www.employment.govt.nz))

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## The Labour Inspectorate

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The role of the Employment New Zealand Labour Inspectorate is to monitor and enforce compliance with employment standards. They use targeted investigations and audit programmes to find breaches of employment standards and put them right. Some of the key areas they look at during audits are:

- ⦿ Minimum wage
- ⦿ Holiday pay
- ⦿ Wage deductions
- ⦿ Record keeping

Labour Inspectors can come into any workplace (or what they think is a workplace) at a reasonable hour and can bring others with them. They can interview anyone and ask to see and take copies of wages and time records, holiday and leave records, other documents with remuneration information or any other document they believe will help them determine compliance.

Labour inspectors can apply penalties, publicise the case, and aim to remove employers from the labour market if appropriate. For less serious breaches improvement notices may be issued. The Employment Standards Legislation Bill which came into force in April 2016, introduced tougher sanctions for transgressions by employers. Serious breaches now carry higher financial penalties for employers, up to \$50,000 for an individual and more than \$100,000 for a company. Infringement notices of up to \$20,000 were also introduced for breaches in record keeping requirements. The changes require all employers to have a record of the hours their employees work each day and the pay they receive for these hours (unless the hours are regular and this is detailed in an employment agreement).

Completion of a GRASP assessment does not exclude you from labour inspectorate audits. However, as an industry, if we can demonstrate a good level of compliance and a robust assessment process for our GRASP programme then it is less likely that there will be a need for the labour inspectorate to conduct these audits.

### After the GRASP assessment?

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The results of your GRASP assessment will not affect the outcome of your GAP inspection as they are completely separate checklists. Your GAP inspection can be completed whilst you are still working on compliance to some of the GRASP control points. Your CAV must be provided to any grower or contractor that you work before you commence working for them.

After your assessment is completed your answers are collated with all other contractors and growers form a picture of compliance across the industry. This data is looked at by the certification body and used to take a sample of assessments from across the industry.

Like the GAP inspection, the GRASP assessment is an annual requirement therefore you must ensure that you book in each year to have an assessment completed before your CAV is due to expire. If you fail to renew your CAV then you will become listed as non-compliant on the Contractors Register.

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## Records

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A key part of meeting your obligations as an employer is keeping accurate records of hours worked and payments made. In NZ pay records are required to be kept for a minimum of 7 years. The following is the minimum information that is required to be recorded:

- ⦿ The number of hours worked each day in each pay period (including those on piece rate)
- ⦿ The pay for those hours
- ⦿ The dates and payments made for annual leave taken
- ⦿ The dates and payments made for public holidays and alternative holidays
- ⦿ The cash value of any annual holidays or alternative holidays that employees gave up for cash payments
- ⦿ The cash value of any board / lodgings provided
- ⦿ The date employment ended and the amount of holiday pay received at the end of employment

The Employment New Zealand website has a number of templates that can be used to keep these records.

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# The GRASP Checklist

There are 11 control points that make up the GRASP checklist and each of these has a number of sub-control points. The sub-control points are the questions that you will be asked to answer / provide evidence of compliance to. Answers to the sub-control points are Yes, No or N/A. The numbers of Yes, No or N/A add up to form the overall rating for the control point and also the overall assessment result. The levels of rating are:

- Fully Compliant
- Improvements Needed
- Not Compliant, but some steps taken
- Not Compliant
- Not Applicable

Each control point is listed in a separate table along with the sub-control points. Under each sub-control point is some guidance to help you answer the question. If you are still unsure of what is required, the websites listed at the end of this document have a lot more information to assist you.

The first four sections of the checklist comprise of mostly best practice control points. Every effort should be made to meet as many of these control points as possible, however there may be a number that are either not applicable or not practical to implement for your business. Sections 5-11 are predominantly legal requirements and hence these must be complied with or you are not meeting your legal obligations as an employer.

## NOTE: Employee representation

The intention of electing or nominating an employee representative is to ensure that employees have a voice and are able to raise issues/complaints to management without fear of retribution. In NZ we have laws to ensure that all employees are able to do this. In most companies' employees will represent themselves, however if employees wish to elect or nominate a representative then they must be able to do so.

If all staff except management are seasonal workers it may not be appropriate to have an employee representative. Or it could be that there is one but because of the seasonal nature of the work they are not present at the time of the assessment.



1.	<b>Employee Representation</b>
<b><i>Is there at least one employee or employees' council to represent the interests of staff to management?</i></b>	
<ul style="list-style-type: none"> <li>• If there are less than 5 employees, then this whole control point is N/A (answer N/A for all sub-control points).</li> <li>• Core family members are not included as employees (people directly related including parents, spouses, siblings, and children but not including cousins, uncles or other relatives).</li> <li>• This control point can be met in one of two ways: 1) An employee representative is elected or nominated. 2) Individual employment agreements include a clause that states employees have the right to represent themselves and explain what the dispute resolution process is</li> <li>• This is not a management. The representative must clearly represent the interest of employees.</li> <li>• If there are 5 or more employees and no employee representative elected or nominated and there is no detail in the employment contracts as per above, then the control point is not met - answer No to all sub-control points.</li> <li>• This control point does not over-ride the right of NZ employees to first approach their employer to resolve any employment issues (i.e. they do not have to go through the representative if there is one).</li> </ul>	
1.1	The election/nomination procedure has been defined and communicated to all employees
<ul style="list-style-type: none"> <li>• It is written down how the employee representative is elected or nominated</li> <li>• This will include what the number of employee representatives will be (based on the maximum number of people employed at any one time)</li> <li>• N/A if all employees are representing themselves (as detailed in their employment contracts)</li> </ul>	
1.2	Documentation shows that the election and the counting of votes were carried out fairly and openly. In case of representation not elected but nominated, there is a document justifying why elections could not take place.
<ul style="list-style-type: none"> <li>• If there is a high rotation of staff or if it is not at all practical to have an election, then the representative can be nominated rather than elected (this will be written in the procedure above)</li> <li>• Meeting minutes or similar can be used to demonstrate that the election / nomination has taken place</li> <li>• N/A if all employees are representing themselves (as detailed in their employment contracts)</li> </ul>	
1.3	The results of the election (name of the employees representative) were communicated to all employees
<ul style="list-style-type: none"> <li>• All employees must know who the employee representative is – there must be a written document that states who the representative is</li> <li>• An election result template can be used</li> <li>• N/A if all employees are representing themselves (as detailed in their employment contracts)</li> </ul>	

1.4	The election / nomination has taken place in the ongoing year or production period. The representation is current (i.e. still working for the company).
<ul style="list-style-type: none"> <li>• The representative is currently employed. If they have since left employment, then a new election / nomination must be completed / in process (this will depend on the time since departure of the representative and the time of operation of the business)</li> <li>• The election / nomination date is written down. This could be in meeting minutes or any other written form</li> <li>• N/A if all employees are representing themselves (as detailed in their employment contracts)</li> </ul>	
1.5	The employees representative is recognised by the management and a job description clearly defines their role and rights. The representative is aware of their role and rights.
<ul style="list-style-type: none"> <li>• The employee representative is aware of their role when asked (they should be available at some point during the assessment)</li> <li>• If there is an employee representative, then their job description (or attachment to the JD) must include what their role is</li> <li>• If the employees are representing themselves then their job descriptions or contracts must clearly state this and what their rights are in regards to the resolution of disputes</li> </ul>	
1.6	There is documentary evidence of regular meetings at accurate frequency between the employee's representative and the management, where GRASP issues are addressed.
<ul style="list-style-type: none"> <li>• Records of meetings include evidence that worker welfare related topics were discussed. It is suggested that worker welfare is a standard agenda item</li> <li>• Meeting frequency will depend on the type of operation – an annual meeting (i.e. a pre-season meeting) is acceptable for a seasonal operation</li> </ul>	

2. Complaints	
<b><i>Is there a complaint procedure available, through which employees can make a complaint?</i></b>	
<ul style="list-style-type: none"> <li>This is specifically addressing complaints made that relate to worker welfare but can be the same procedure as is used for all other complaints</li> </ul>	
2.1	A documented complaint and suggestion procedure is available, appropriate to the size of the company
<ul style="list-style-type: none"> <li>The complaints / suggestion system used can be the same as that used for GLOBALG.A.P.</li> <li>The procedure should allow for verbal complaints /suggestions to be communicated and then followed up on</li> <li>If illiteracy is an issue, the employer will find a solution to resolve the issue</li> </ul>	
2.2	Employees are regularly and actively informed about the complaint and suggestion procedure
<ul style="list-style-type: none"> <li>This could be through electronic information, a notice board, information in the GLOBALGAP/GRASP folder e.g. meeting minutes, or for seasonal work an annual induction process</li> </ul>	
2.3	The procedure states clearly that employees will not be penalised for filing complaints or suggestions.
<ul style="list-style-type: none"> <li>This must be written into the procedure</li> </ul>	
2.4	Complaints and suggestions are discussed in meetings between the employees representative and the management.
<ul style="list-style-type: none"> <li>If there is no employees representative then evidence that complaints are discussed in general by anyone and management</li> <li>This should be written into the meeting records</li> </ul>	
2.5	The procedure sets a timeframe to resolve complaints and suggestions
<ul style="list-style-type: none"> <li>The timeframe must be written in the procedure</li> </ul>	
2.6	The complaints, suggestions and their follow-up are documented and available for the last 24 months.
<ul style="list-style-type: none"> <li>Records of all complaints or suggestions received in the last two years must be held</li> </ul>	

3. Self-declaration on Good Social Practices	
<p><b><i>Has a self-declaration on good social practice regarding human rights been signed by the management and the employees representative and has this been communicated to the employees?</i></b></p> <ul style="list-style-type: none"> <li>The self-declaration is a means to ensure the management is committed to follow the principles of the International Labour Organisations (ILO) core labour conventions and to implement transparent and non-discriminative hiring procedures of employees</li> </ul>	
3.1	<p>The declaration is complete and contains at least all points referred to ILO core labour conventions</p> <ul style="list-style-type: none"> <li>The declaration should include NZ employment and labour legislation – specifically discrimination, minimum age and child labour, freedom of association and right to organise and bargain collectively, equal remuneration, and minimum wages.</li> <li>A template declaration is available from Zespri that includes all required information. (Orchard Social Responsibility Policy)</li> <li>A template declaration is also available on the GRASP section of the GLOBALG.A.P website</li> </ul>
3.2	<p>The declaration has been signed by the management and by the employees representative</p> <ul style="list-style-type: none"> <li>The declaration must be signed by management and the employees representative (when there is one. When employees are representing themselves then the declaration only needs to be signed by management)</li> </ul>
3.3	<p>The declaration is actively communicated to the employees (e.g. displayed on the production site or attached to the contract, included at meetings etc.)</p> <ul style="list-style-type: none"> <li>It must be demonstrated that the declaration has been communicated to employees e.g. it is displayed where employees will see it, it is given to employees attached to their contracts or as part of induction training material</li> </ul>
3.4	<p>The management, the person responsible for implementing GRASP, and the employees representative know the content of the declaration and confirm that it is put into practice</p> <ul style="list-style-type: none"> <li>Confirmed through discussion with management, the person responsible for GRASP and the employees representative (when there is one).</li> </ul>
3.5	<p>It is stated that the employees representative can file complaints without personal sanctions</p> <ul style="list-style-type: none"> <li>This must be included in the declaration – either the employees themselves or the employee representative</li> </ul>
3.6	<p>The declaration is checked and revised at least every 3 years or whenever necessary.</p> <ul style="list-style-type: none"> <li>The date on the declaration must indicate it was reviewed within the last 3 years.</li> <li>Management must sign and date the declaration every 3 years</li> </ul>

4.	Access to National Labour Regulations
<p><b><i>Does the person responsible for the implementation of GRASP and the employees representative have knowledge of or access to recent national labour regulations?</i></b></p> <ul style="list-style-type: none"> <li>• Under NZ law the Person Conducting Business or Undertaking (PCBU) has the primary duty to ensure health and safety. So the PCBU would be the same person as the person responsible for GRASP. This must be a different person from the employee representative if there is one.</li> <li>• The person responsible may be the MSO themselves or it might be someone else for a larger operation</li> </ul>	
4.1	The person responsible provides the employees representative with the valid labour regulations (e.g. the National Interpretation Guidelines)
<ul style="list-style-type: none"> <li>• If there is no employee representative and there are 5 or more employees that do not represent themselves then this control point is answered No.</li> <li>• If employees are representing themselves then they must all have knowledge of the regulations (this could be one of or all of the points below to demonstrate compliance for all sub-control points) <ul style="list-style-type: none"> <li>○ The GRASP National Implementation Guidelines can be provided</li> <li>○ The labour inspectorate information material is used as provided on the MBIE website</li> <li>○ Completion of training modules on the MBIE website generates a training certificate. Keep these training certificates on file.</li> </ul> </li> </ul>	
4.2	The person responsible and employees representative have knowledge about or access to the valid labour regulations on gross and minimum wages and deductions from wages
<ul style="list-style-type: none"> <li>• As per 4.1 above</li> </ul>	
4.3	The person responsible and employees representative have knowledge about or access to the valid labour regulations on working hours
<ul style="list-style-type: none"> <li>• As per 4.1 above</li> </ul>	
4.4	The person responsible and employees representative have knowledge about or access to the valid labour regulations on freedom of association and right to collective bargaining
<ul style="list-style-type: none"> <li>• As per 4.1 above</li> </ul>	
4.5	The person responsible and employees representative have knowledge about or access to the valid labour regulations on anti-discrimination
<ul style="list-style-type: none"> <li>• As per 4.1 above</li> </ul>	
4.6	The person responsible and employees representative have knowledge about or access to the valid labour regulations on child labour and minimum age of working
<ul style="list-style-type: none"> <li>• As per 4.1 above</li> </ul>	
4.7	The person responsible and employees representative have knowledge about or access to the valid labour regulations on holiday pay and parental leave
<ul style="list-style-type: none"> <li>• As per 4.1 above</li> </ul>	

5.	Working Contracts
<p><b>Can valid copies of working contracts be shown for the employees? Are the working contracts compliant with applicable legislation and/or collective bargaining agreements and do they indicate at least full names, a job description, date of entry, the regular working time, wage and the period of employment? Have they been signed by both employer and employee?</b></p> <ul style="list-style-type: none"> <li>• There are a range of different contracts that may be used. The employee needs to be on the correct type of contract.</li> <li>• Must be signed by both the employer and employee</li> <li>• Note: Nationality and Date of Birth are not requirements for employment contracts in NZ</li> <li>• Information required can be included in the contract or in attachments to the contract</li> </ul>	
5.1	Random checks show availability of written contracts for all employees signed by both parties
<ul style="list-style-type: none"> <li>• For every employee a contract can be shown (a sample will be selected. The number of contracts sighted will depend on how many and what types of employees there are)</li> </ul>	
5.2	There is evidence that the employees have the correct contract according to national legislation
<ul style="list-style-type: none"> <li>• E.g. permanent, fixed term, casual. The correct contract must be used.</li> <li>• For more information to determine what sort of contract an employee should be on refer to the Employment New Zealand website</li> </ul>	
5.3	The working contracts include at least basic information as per the National Interpretation Guidelines
<ul style="list-style-type: none"> <li>• In NZ contracts should include details as per the Employment Relations Act 2000 and the Holidays Act 2003 <ol style="list-style-type: none"> <li>1. Names of the employee and employer</li> <li>2. Description of the work to be performed by the employee</li> <li>3. Indication of where the employee is to perform the work</li> <li>4. Indication of the arrangements relating to the times the employee is to work</li> <li>5. Wages or salary payable to the employee</li> <li>6. Plain language explanation of the services available for the resolution of employment relationship problems, including a reference to the period of 90 days within which a personal grievance must be raised</li> <li>7. Employee protection provision requiring an employer to provide information and consider comments in restructuring situations and include a process that the employer must follow in negotiating with a new employee about the restructuring</li> <li>8. A provision that confirms the right of the employee to be paid at least time and a half for working on a public holiday</li> </ol> </li> </ul>	

5.4	The working contracts or attachments to the contracts include basic information on the contract period (e.g. permanent, period or lay labourer), the wage, working hours, breaks and a basic job description
	<ul style="list-style-type: none"> <li>As per above this detail must be in the contracts</li> </ul>
5.5	In the contract, there is no contradiction to the self-declaration on good social practice
	<ul style="list-style-type: none"> <li>If contracts meet all the requirements under NZ legislation then this control point is met</li> <li>Ensure that there is nothing illegal in the contract – such as requirement for deduction from wages</li> </ul>
5.6	If non-national employees are working for the company, records indicate their legal status for being employed by the company. A respective working permit is available.
	<ul style="list-style-type: none"> <li>Can be confirmed through sighting passport, birth certificate, citizenship certificate, permanent resident certificate, working visa, residence class visa, electronic e-visa allowing work (e.g. working holiday) or through using the online VisaView system</li> <li>VisaView allows you to check if someone is entitled to work in NZ, the expiry of their visa and any conditions of the visa</li> <li>Note: it is illegal to separate a person from their passport</li> <li>It is the employers responsibility to ensure all employees can legally work in NZ</li> </ul>
5.7	Records of the employees must be accessible for at least 24 months.
	<ul style="list-style-type: none"> <li>A random sample of contracts will be selected and they must be available for all current and past employees that have worked for the company within the last 2 years.</li> </ul>

6.	<b>Payslips</b>
	<b><i>Is there documented evidence indicating regular payment of salaries / wages corresponding to the contract clause?</i></b>
6.1	Documented evidence that the payment is made in defined intervals (e.g. payslips or registers) is available for the employees (random checks)
	<ul style="list-style-type: none"> <li>Payslips or a pay register of some type is available to show what and when payments are made</li> <li>Under NZ law if the employee is under 20 years of age then the age must also be recorded in the pay records</li> </ul>
6.2	Pay slips or registers indicate that payments are made in accordance with the working contracts (e.g. employees signature on pay slips, bank transfer)
	<ul style="list-style-type: none"> <li>The payments made match what is recorded in the employees contract</li> </ul>
6.3	The records of payments are kept for at least 24 months
	<ul style="list-style-type: none"> <li>Records are required to be kept for 7 years under NZ law so ensure there is a system in place for keeping accurate records</li> </ul>

7. Wages																					
<b><i>Do pay slips / registers indicate the conformity of payment with at least legal regulations and/or collective bargaining agreements?</i></b>																					
7.1	<p>Pay slips or registers give clear indication on the number of compensated working time or harvested amount including overtime (hours/days)</p> <ul style="list-style-type: none"> <li>• Payslips / registers must show who was paid for what hours</li> <li>• It is a legal requirement to keep records of the hours of work for employees unless they are on regular hours</li> </ul>																				
7.2	<p>Wages and overtime payments as shown in the records are according to the contracts and indicate compliance with national labour regulations (minimum wages) as specified in the GRASP National Interpretation Guidelines</p> <ul style="list-style-type: none"> <li>• Taken directly from: <a href="http://www.employment.govt.nz/hours-and-wages/pay/minimum-wage/minimum-wage-rates/">www.employment.govt.nz/hours-and-wages/pay/minimum-wage/minimum-wage-rates/</a></li> <li>• Refer to the Employment NZ website under minimum wages for the criteria that defines the 3 types of minimum rates</li> </ul> <p>The current minimum wage rates (before tax) are as at 1 April 2017 and apply to employees aged 16 years or over:</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr style="border-top: 2px solid orange; border-bottom: 1px solid orange;"> <th style="text-align: left;">Type of minimum wage</th> <th>Per hour</th> <th>8 hour day</th> <th>40 hour week</th> <th>80 hour fortnight</th> </tr> </thead> <tbody> <tr> <td style="text-align: left;">Adult</td> <td>\$15.75</td> <td>\$126.00</td> <td>\$630.00</td> <td>\$1,260.00</td> </tr> <tr style="background-color: #f2f2f2;"> <td style="text-align: left;">Starting-out</td> <td>\$12.60</td> <td>\$100.80</td> <td>\$504.00</td> <td>\$1008.00</td> </tr> <tr style="border-bottom: 1px solid orange;"> <td style="text-align: left;">Training</td> <td>\$12.60</td> <td>\$100.80</td> <td>\$504.00</td> <td>\$1008.00</td> </tr> </tbody> </table>	Type of minimum wage	Per hour	8 hour day	40 hour week	80 hour fortnight	Adult	\$15.75	\$126.00	\$630.00	\$1,260.00	Starting-out	\$12.60	\$100.80	\$504.00	\$1008.00	Training	\$12.60	\$100.80	\$504.00	\$1008.00
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7.3	<p>Independently from the calculation unit, pay slips / registers document that employees gain on average at least the legal minimum wage within regular working times (especially check when piece-rate is implemented). If there are deductions from salaries and employees are being paid below minimum wage, the deductions must be justified in writing</p> <ul style="list-style-type: none"> <li>• Hours of work must be recorded (unless on fixed hours as per the employment agreement)</li> <li>• When paying piece-rate the minimum wage must be met by topping up when required.</li> </ul>																				



8.	Non-Employment of Minors
<b><i>Do records indicate that no minors are employed at the company?</i></b>	
8.1	No employee is aged below the legal minimum age of employment.
<ul style="list-style-type: none"> <li>• There should be no children aged 16 or under present in the workplace during school hours without justification. The Education Act 1989 requires children to attend school until 16 years of age and prevents the employment of school aged children within school hours or if the employment interferes with their attendance at school.</li> <li>• Where date of birth is questionable then proof of DOB should be requested and documented. It is the employers responsibility to ensure employees are at least the minimum working age</li> </ul>	
8.2	If children (as core family members) are working at the company, they are not engaged in work that is dangerous to their health and safety, that jeopardises their development or prevents them from finishing their compulsory school education.
<ul style="list-style-type: none"> <li>• No child under the age of 16 is employed during school hours</li> <li>• No child under the age of 15 is employed to do work at or with machinery at the workplace</li> </ul>	

9. Access to Compulsory School Education	
<b><i>Do the children of employees living on the company's production or handling sites have access to compulsory school education?</i></b>	
<ul style="list-style-type: none"> <li>• N/A if there are no employees living on the production site/s included in the GRASP assessment. Answer all sub-control points N/A</li> <li>• There should be no children aged 6 – 16 present in the workplace during school hours without justification. The Education Act 1989 requires children to attend school until 16 years of age and prevents the employment of school aged children within school hours or if the employment interferes with their attendance at school.</li> <li>• This applies to employees only, not other people living on site that do not work for the business (e.g. rental accommodation)</li> </ul>	
9.1	There is a list of all children in the age of compulsory schooling age living on the company's production / handling sites, with sufficient indications on name, name of parents, date of birth, school attendance, etc. Children of management may be excluded
<ul style="list-style-type: none"> <li>• If there are school aged children of employees living on the site/s then there must be a list that includes the information</li> </ul>	
9.2	There is evidence of transport facilities if children cannot reach school within acceptable walking distance (half an hour or according to NIG)
<ul style="list-style-type: none"> <li>• The NZ government provides schools with school bus services, or direct resourcing in some cases to make sure that students are transported safely to and from school and provide Special Education School Transport Assistance (SESTA), therefore this can be answered yes if applicable</li> </ul>	
9.3	There is evidence of an on-site school system when access to schools is not available
<ul style="list-style-type: none"> <li>• The NZ government provides schools with school bus services, or direct resourcing in some cases to make sure that students are transported safely to and from school and provide Special Education School Transport Assistance (SESTA), therefore this can be answered yes if applicable</li> </ul>	

10	Time Recording System
<b><i>Is there a time recording system that shows daily working time and overtime on a daily basis for the employees?</i></b>	
10.1	A time recording system is implemented, appropriate to the size of the company (e.g. record sheet, check clock, electronic cards)
<ul style="list-style-type: none"> <li>NZ law requires the employer to have a wage and time record which includes “where necessary for the calculation of the employees pay” the number of hours and employee has worked per day and the wages paid to the employee for each pay period</li> </ul>	
10.2	The records indicate the regular working time for employees on a daily basis
<ul style="list-style-type: none"> <li>The number of hours an employee has worked for per day must be recorded</li> <li>It is critical that hours of work are kept in order to determine average hourly rate to compensate for breaks</li> </ul>	
10.3	The records indicate the overtime hours as defined by contracts per legislation for all employees on a daily basis
<ul style="list-style-type: none"> <li>All hours of work are recorded including any overtime hours</li> </ul>	
10.4	The records indicate the break / holidays for the employees on a daily basis
<ul style="list-style-type: none"> <li>To work out leave and public holiday entitlements you need to know the pattern of hours and days that are worked. Breaks taken and holidays taken are recorded for each employee</li> <li>Every employee regardless of the type of employment is entitled to at least 4 weeks annual leave per year</li> <li>For some employees (e.g. fixed term and casual) it may be appropriate to pay annual leave as “pay as you go” if the employee agrees to it. This must be recorded separately in the records</li> </ul>	
10.5	The working records are regularly approved by the employees (e.g. regularly signed record sheet, checking clock)
<ul style="list-style-type: none"> <li>This could be a signed payslip or access to bank transfer records that show the transfer of pay to the employee</li> </ul>	
10.6	Access to these records is provided to the employees representative
<ul style="list-style-type: none"> <li>If there are 5 or less employees then answer this N/A</li> <li>If employees are representing themselves (as detailed in their employment contract) then answer this N/A</li> <li>If there is an employee representative then pay records are provided to the representative if permission has been given by the employee only.</li> <li>If there is no request from employees for the employee representative to have access then answer this N/A</li> </ul>	
10.7	The records are kept for at least 24 months
<ul style="list-style-type: none"> <li>Records are required to be kept for 7 years under NZ law so ensure there is a system in place for keeping accurate records</li> </ul>	

11.	<b>Working Hours and Breaks</b>
<b><i>Do working hours and breaks documented in the time records comply with applicable legislation?</i></b>	
11.1	Information on valid labour regulation regarding working hours and breaks is available (e.g. the GRASP NIG)
<ul style="list-style-type: none"> <li>• Access to the NZ National Interpretation guidelines and the NZ employment website. Ensure that you know what your legal obligations are</li> <li>• Section 69ZD of the Employment Relations Act 2000 deals with rest and meal breaks</li> </ul>	
11.2	Working hours including overtime as shown in the records indicate compliance with legal regulations
<ul style="list-style-type: none"> <li>• Overtime payments are not a legal requirement in New Zealand.</li> <li>• Ensure that all working hours are recorded and are kept within the maximum as detailed in 11.4</li> </ul>	
11.3	Rest breaks / days as shown in the records indicate compliance with national regulations
<ul style="list-style-type: none"> <li>• As per the Employment Relations Act 2000 – <i>“Rest breaks and meal breaks that provide the employee with a reasonable opportunity, during the employees work period, for rest, refreshment, and attention to personal matters”</i></li> <li>• Rest breaks are to be paid at the employees earning rate</li> <li>• For piece rate rest break payments rates are to be paid based on the rate the employee will have been receiving at the time of the break.</li> </ul>	
11.4	Regular weekly working time does not exceed 48 hours. During peak season, weekly working time does not exceed 60 hours
<ul style="list-style-type: none"> <li>• In NZ there is no law regarding maximum working hours. We recognise that the nature of the industry means that work is seasonal and there may be more than one “peak season” depending on the type of work carried out</li> <li>• The intention of the control point is to ensure that people are not overworked. Obviously employee health and safety is a big concern when there are long hours over a continuous period</li> <li>• Usual working hours should not exceed 48 hours a week</li> <li>• During peak times the AVERAGE working week should not exceed 60 hours. (note this is an average across the whole peak times so some weeks there may be an exceedance of 60hrs, as long as the average of all weeks doesn’t exceed 60hrs)</li> </ul>	
11.5	The records indicate that rest breaks / days are also guaranteed during peak season
<ul style="list-style-type: none"> <li>• Break and leave entitlements apply year round</li> </ul>	

## Definitions / Abbreviations

GRASP	GLOBALG.A.P. Risk Assessment on Social Practice
CB	Certification Body
ILO	International Labour Organisation
NIG	National Interpretation Guidelines
NZ-NTWG	New Zealand National Technical Working Group: Working group made up of the key GLOBALG.A.P / equivalent certified sector representatives
PCBU	Person Conducting a Business or Undertaking. The entity responsible for taking the lead on health and safety. It is a legal requirement for a business to have one under the Health and Safety at Work Act.
Social Responsibility	An ethical framework whereby an entity, be it an organisation or an individual, has an obligation to act for the benefit of society at large
MSO	Management System Owner: Person responsible for the management of an orchard or group of orchards. Undergoes the annual inspection for GAP and the GRASP assessment
Contractor	Party engaged by a principal (other party) to perform services under a contract for services (Contractor Agreement). Self-employed and earn income by invoicing the principal for their services. Contractors pay their own tax and ACC levies
Core Family Members	Those relatives who are related in direct line to the MSO and live in the same household. This does not include aunts/uncles, cousins or other relatives
Casual Employee	An employee with no guaranteed hours of work, no regular pattern of work and no ongoing expectation of employment. The employer doesn't have to offer work and the employee does not have to accept it
Fixed Term Employee	An employee whose employment will end on a specified date or when a particular event occurs. There must be a genuine reason for a fixed-term and the employee must be told this reason
Permanent Employee	An employee whose work is ongoing and is expected to continue indefinitely. They are entitled to the full set of employment rights and responsibilities. Could be a full-time or part-time employee
Employees Representative	An employee nominated or elected by the employees to represent the interests of employees to management. Not a member of management
Packhouse	Facility where the product is packed. Employs or contracts the PMO internal inspectors to conduct the MSO inspections for the KPINs which the facility packs
Assessment	Process through which records are checked to assess the level of compliance to the checklist
GRASP Observer	Entity that is registered with GLOBALG.A.P as an observer in order to view the GRASP compliance information of its suppliers. Generally a retailer / distributor role

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## Relevant Legislation

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- ⦿ Employment Relations Act 2000
- ⦿ Equal Pay Act 1972
- ⦿ Health and Safety at Work Act 2015
- ⦿ Holidays Act 2003
- ⦿ Minimum Wage Act 1973
- ⦿ Parental Leave and Employment Protection Act 1973
- ⦿ Wages Protection Act 1983

## Useful Websites

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- ⦿ Employment New Zealand: [www.employment.govt.nz](http://www.employment.govt.nz)
- ⦿ Ministry of Business, Innovation, Employment: [www.mbie.govt.nz](http://www.mbie.govt.nz)
- ⦿ Immigration New Zealand: [www.immigration.govt.nz](http://www.immigration.govt.nz)
- ⦿ VisaView: [www.visaview.govt.nz](http://www.visaview.govt.nz)
- ⦿ WorkSafe: [www.worksafe.govt.nz](http://www.worksafe.govt.nz)
- ⦿ Safer Farms: [www.saferfarms.org.nz](http://www.saferfarms.org.nz)
- ⦿ GLOBALG.A.P: [www.globalgap.org](http://www.globalgap.org)
- ⦿ International Labour Organisation: [www.ilo.org](http://www.ilo.org)
- ⦿ New Zealand Kiwifruit Growers Incorporated: [www.nzkqi.org.nz](http://www.nzkqi.org.nz)
- ⦿ Zespri Canopy: [www.canopy.zespri.com](http://www.canopy.zespri.com)