

A guide for Recruiters

AUGUST 2025





**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

Ministry of Business, Innovation and Employment (MBIE) Hīkina Whakatutuki – Lifting to make successful

MBIE develops and delivers policy, services, advice and regulation to support economic growth and the prosperity and wellbeing of New Zealanders.

More information

Information, examples and answers to your questions about the topics covered here can be found on our website: www.employment.govt.nz

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This guide helps you as a recruiter or employment broker understand ethical and sustainable work practices from a labour rights perspective. Find out what those rights are and why they are important for you.

Understand ethical and sustainable work practices

Today's consumers, employees, procurers and investors expect certain ethical standards. They increasingly want organisations to treat workers fairly, ethically and sustainably – not just their own employees but also the workers in the organisations they engage with.

New Zealanders are becoming more aware of exploitation and mistreatment of workers, especially of migrants, and do not want to engage with businesses that exploit their workers. When deciding where to shop, consumers consider how businesses treat their workers. .

What ethical and sustainable means

Having ethical work practices means treating your workers legally, fairly and with dignity. It includes providing safe working conditions and meeting or exceeding all employment standards.

Sustainability means working in a way that meets the needs of your business or industry now and in the long term.

Exploitation, forced labour, human trafficking and slavery are the opposite of ethical and sustainable work practices.



ETHICAL AND SUSTAINABLE WORK PRACTICES

Go to www.employment.govt.nz and search 'ethical work practices'

Why good work practices matter

Behaving ethically and sustainably is the right thing to do.

Good work practices help create a level playing field where those who meet employment obligations cannot be undercut by those who cut corners using unfair work practices. Good work practices can have a positive impact on customer goodwill, loyalty and demand for your goods and services. They can also help to attract and retain good workers. On the other hand, employment practices that are not legal, ethical or sustainable can hurt your reputation and brand. This could reduce your company's revenue, profit, financial viability and market value.

Businesses that have been fined, penalised or ordered to pay compensation for exploiting or mistreating their workers are almost always identified in publicly available information. They may also be restricted from supporting visa applications and put on the employer stand-down list for a specified period.

Why ethical and sustainable work practices matter for recruiters and employment brokers

If you want to be seen as a trustworthy recruiter or employment broker, you have a duty to make sure the hiring companies you work with have ethical and sustainable work practices. You also have a duty to make sure that job seekers are placed in companies with good practices. Placing a worker in a workplace that has unlawful or unfair work practices is likely to affect the worker's welfare, and may affect your reputation too. This can affect your agency's ability to attract clients and workers in the future.

CASE STUDY

Florence is the chief executive of a recruitment agency. Her company works closely with hiring organisations to find suitable staff.

For example, a business may ring her agency to ask for help recruiting construction site workers. One of her team members first meets with the business to find out more about the kind of person the business wants – personality, qualifications, experience and so on. Florence's agency then looks through the job seekers on their database or contacts people directly to find a suitable candidate.

Take reasonable steps when placing a worker

It is not in your candidate's best interest to be placed in a workplace that has unfair or illegal work practices, and where they do not receive their legal rights and entitlements.

Placing a worker into such an organisation, as a contractor or an employee, may contribute to poor practices continuing.

Carry out due diligence on any employer before placing workers with them, and follow up with workers you have placed.

Does the employer check that it meets employment standards?

One way to see if an employer checks that it meets employment standards is to ask these questions.

- › Do they carry out audits to check that they treat workers fairly and comply with employment standards?
- › What audit or certification system do they use? How often?
- › When was the last audit? What did they find and what action did they take?
- › Does the employer belong to a group that undertakes assurance reviews, such as an industry body or association?

Check if the employer has breached employment requirements

If the employer has breached employment standards, find out what they did to solve the issue. Think carefully about the risks of placing a candidate into a business that is being investigated.

- › Has the employer been investigated for breaching, or found to have breached employment standards?
- › Has the employer been in a position of authority in a company that has breached employment standards?
- › Has the employer ever employed migrant workers that are not allowed to work by Immigration New Zealand?
- › Is the employer currently on the employment or immigration stand-down list?



EMPLOYERS WHO HAVE RECENTLY BEEN PENALISED FOR BREACHING EMPLOYMENT STANDARDS

Go to www.employment.govt.nz and search 'stand-down list'

Go to www.immigration.govt.nz and search 'stand-down list'

EMPLOYMENT LAW DATABASE - FOR BREACHES IDENTIFIED BY THE EMPLOYMENT RELATIONS AUTHORITY

Go to determinations.era.govt.nz

JUDGMENTS DATABASE FOR JUDGMENT DECISIONS BY DIVERSE COURTS

Go to www.employmentcourt.govt.nz/judgments

You might want to know if the employer is currently under investigation or involved in any legal cases that did not comply with employment standards. This information may not be publicly available. You may need to request it from the employer, though they do not have to answer. However, if they do not answer, you might find this to be useful information in itself.

Make sure the employer gives employees what they are entitled to

Ask for documents that prove the employer's responses to these questions.

You can ask...	The answer...
1. Do employees have written individual employment agreements or collective agreements?	The employer must be able to answer 'yes' under the law. Find out more about the requirement below.
2. Does the employer keep up-to-date wage and time, and leave and holidays records?	The employer must be able to answer 'yes' under the law. Find out more about the requirement below.
3. Does the employer pay their employees the minimum wage or above for every hour worked?	The employer must be able to answer 'yes' under the law. Find out more about the requirement below.
4. Does the employer give their employees regular payslips when asked to? Payslips are not mandatory, but employees can ask for one at any time, and their employer must provide them with information about their pay and leave.	An employer demonstrates good practice if they can answer 'yes'.
5. Does the employer give employees information about their employment rights?	An employer demonstrates good practice if they can answer 'yes'.

Do employees have written employment agreements, individual employment agreements or collective agreements?



THINGS AN AGREEMENT MUST CONTAIN

Go to www.employment.govt.nz and search 'creating an employment agreement'

Does the employer keep up-to-date records of wages and time, leave and holidays?



KEEPING ACCURATE RECORDS

Go to www.employment.govt.nz and search 'record keeping'

Does the employer pay their employees minimum wage or above for every hour worked?



CURRENT MINIMUM WAGE RATES

Go to www.employment.govt.nz and search for 'current minimum wage rates'

Workers who are employed or contracted by providers to deliver cleaning, catering or security guard services to public service departments and departmental agencies must be paid at least a living wage.

Further information for employers



EMPLOYMENT AGREEMENT BUILDER – HELP TO WRITE UP A COMPLIANT EMPLOYMENT AGREEMENT

Go to eab.business.govt.nz

MINIMUM RIGHTS AND RESPONSIBILITIES

Go to www.employment.govt.nz and search 'minimum rights'

EMPLOYMENT LEARNING MODULES

Go to www.employment.govt.nz and search 'online learning'

Make sure candidates are treated fairly after you place them

Ask them these questions.

1. Were you given a copy of your written employment agreement, and can you access it?
2. Are you given a regular payslip?
3. Do you feel you know your employment rights? Have you been told where to find more information about them?
4. Do you get paid at least the minimum wage for all the hours you work? Did you get paid while you were being trained for your job?
5. Have any of your conditions changed or got worse since you started the job?
6. Do you know who to talk to if you have concerns about your job?
7. If boarding and meals are part of your payment, is the cost reasonable? Is your accommodation of a legal standard? For example, service tenancies must include working smoke alarms or detectors within three metres of each bedroom door. They must also have ceiling and under-floor insulation and an insulation statement.
8. Has your employer asked you to pay back any of your wages, or made a deduction from them, that you have not agreed to in writing?
9. Do you have to pay for your own safety equipment or anything you need to do your job?



DEDUCTIONS EMPLOYERS CAN MAKE FROM PAY

Go to www.employment.govt.nz and search 'deductions'

10. Do they have written policies, or a code of conduct, to deal with bullying, sexual harassment or discrimination?
11. Is there an employee or worker-voice platform that you can use to give feedback about your working conditions or any potential employment issues?

12. Is there a way for you to report serious employment issues anonymously, for example, a whistleblowing hotline? Is there an internal escalation process and point of contact to report worker exploitation?

Monitor compliance with regular checks

Check in with the candidate within the first month, after six months, and every year after that. If any responses to the questions above raise concerns, discuss them with the employer and try to solve them. Ask them to tell you immediately if they:

- › are being investigated by the Labour Inspectorate or Immigration New Zealand
- › change the working arrangements of any employees that you've placed.

CASE STUDY

Florence has heard about recruiters running into trouble for placing workers in inappropriate workplaces with poor employment practices. To make sure her agency keeps its good reputation, she reviews the questions they ask employers about their employment standards.

After carrying out her review, Florence is confident that her agency gets the information they need from employers. However, she realises that some other recruiters have a more detailed feedback process for the workers they place. She creates a questionnaire that her agency can send to workers. The workers can say if they are fairly treated and receive what they are entitled to. This way, she can find out if what employers tell her matches the workers' experiences.

Learn more and use our free resources

Resources on our website

Go to www.employment.govt.nz

To learn about...	...search for
Ethical and sustainable work practices	Ethical and sustainable practices
Investor's approach to assuring ethical and sustainable work practices	Investor's approach
Director's approach to assuring ethical and sustainable work practices	Director's approach
Meanings of terms	Glossary



Te Kāwanatanga o Aotearoa
New Zealand Government