MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

COVERSHEET

Minister	Hon Erica Stanford	Portfolio	Immigration
Title of Cabinet paper	Outcomes of the 2026 Recognised Seasonal Employer Scheme Policy Review	**Date to be published**	5 August 2026

List of documents that have been proactively released		
Date	**Title**	**Author**
July 2026	Outcomes of the 2026 Recognised Seasonal Employers Scheme Policy Review	Office of the Minister of Immigration
1 July 2026	Outcomes of the 2026 Recognised Seasonal Employers Scheme Policy Review ECO-26-MIN-0120 Minute	Cabinet Office
5 March 2026	2026 RSE Policy Review - Proposed scope and consultation	MBIE
11 March 2026	Industry recommendation for consultation - Accommodation settings industry proposal March 2026 FINAL	Industry, provided to MBIE
14 May 2026	Recommendations following the 2026 Recognised Seasonal Employer Scheme Policy Review	MBIE

Information redacted **YES**

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified and that would outweigh the reasons for withholding it.

Some information has been withheld for the reasons of confidential advice to government, international relations, legal professional privilege, privacy of natural persons, and free and frank opinions.

MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

BRIEFING

Recommendations following the 2026 Recognised Seasonal Employer Scheme Policy Review

Date:	14 May 2026	**Priority:**	High
Security classification:	In Confidence	**Tracking number:**	REQ-0031789

Action sought		
	Action sought	**Deadline**
Hon Erica Stanford **Minister of Immigration**	**Agree** to your preferred options to take to Cabinet on changes to the Recognised Seasonal Employer scheme **Forward** this briefing to relevant Ministers	18 May 2026

Contact for telephone discussion (if required)				
Name	**Position**	**Telephone**		**1st contact**
Sam Foley	Manager, Immigration (International & Humanitarian) Policy	Privacy of	021877248	✓
Kade Cory-Wright	Senior Policy Advisor	Privacy of		
Lee Gerrard	Principal Policy Advisor	Privacy of		

The following departments/agencies have been consulted
Ministry of Foreign Affairs and Trade, Ministry of Social Development, Ministry of Primary Industries, Ministry for Pacific Peoples, Ministry for Ethnic Communities, Ministry of Housing and Urban Development, Ministry of Health, Health New Zealand, Inland Revenue and the Treasury.

Minister's office to complete: ☐ Approved ☐ Declined

☐ Noted ☐ Needs change ☐ Seen

☐ Overtaken by Events ☐ See Minister's Notes ☐ Withdrawn

Comments

MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

BRIEFING

Recommendations following the 2026 Recognised Seasonal Employer Scheme Policy Review

Date:	14 May 2026	**Priority:**	High
Security classification:	In Confidence	**Tracking number:**	REQ-0031789

Purpose

This briefing seeks your agreement to a package of policy changes to the Recognised Seasonal Employer scheme (the RSE scheme) to take to Cabinet.

Executive summary

Context and objectives

Since launching in 2007, the RSE scheme has supported the growth of Pacific economies and New Zealand’s horticulture and viticulture sectors. Its ongoing success is reliant on continued engagement from employers and Pacific partners.

You agreed that a policy review of the scheme would have the overarching objective of ensuring it continues to deliver on its ‘triple win’ objective for the Pacific, workers and industry, by exploring options for reducing the burden on employers, improving worker wellbeing, and providing greater clarity and transparency (0027337 refers).

Proposed package of reforms to the RSE scheme

We recommend a package of reforms to the scheme which would make three shifts as outlined below. Options have been informed by consultation with industry and Pacific stakeholders.

Shift #1: Rebalancing the system to reduce burden and better target risk

The scheme’s one-size-fits-all approach to managing risk is no longer appropriate for many RSE employers. We propose changes that aim to better target risks and incentivise compliance:

- A risk-based accreditation model with greater oversight of new entrants and higher-risk employers (with fewer touch-points for lower-risk employers), supported by a graduated compliance scheme.
- Either removing the cap or changing it from a one-year to three-year cycle, alongside a more streamlined approach to the Agreement to Recruit (ATR) process to reduce duplication and focus effort on labour market testing.

Shift #2: Increasing mobility to protect against exploitation

An ongoing concern is that the RSE visa is too restrictive. These restrictions help limit risks of overstaying and reinforce the scheme’s seasonal nature, but also limit options if workers face exploitation. We recommend two key changes to better balance these risks and address other concerns related to the lack of mobility (such as the difficulty to move workers following weather or other events):

- Removing limited visa status for RSE visas Legal professional privilege [redacted]

- Enabling movement between RSE employers through a Variation of Conditions (VOC) on an ad-hoc basis – akin to the AEWV.

Shift #3: Improved clarity and transparency of key system requirements

A key frustration of both industry and Pacific partners with the current scheme design is the lack of clarity and transparency in key areas – notably what costs can be recovered from workers. To address this, we recommend:

- Formalising a set list of costs which employers can recover.
- Establishing a "Cost Recovery Agreement template" which will require employers to outline proposed recovery amounts, with workers agreeing this prior to travelling to New Zealand.

We also recommend:

- Improving complaints processes for workers and pastoral care requirements (including internet access and supporting work underway to establish a best practice model).
- Formally broadening the tasks permissible under RSE work to include the use of machinery (including forklifts) where it supports their primary role.
- Aligning sick leave with general employment law once the Employment Leave Bill has passed.

Minimum Accommodation Standards to be developed with Pacific and industry

Worker accommodation is the largest cost for RSE employers and a key concern for Pacific partners. Industry has recommended removal of immigration-specific standards, but this may not address key concerns from the Pacific. Rather than taking a proposal to Cabinet on this now, we recommend establishment of a working group with industry, Pacific partners and the New Zealand government to create recommendations for new standards.

To reduce pain points for employers now, we recommend reducing the frequency of accommodation audits to three-yearly (rather than annually). Accommodation would continue to be spot checked.

Overall impact of the proposals

As a package, these options balance your key objectives with changes to reduce burden, improve worker wellbeing and improve clarity and transparency. This will help to ensure ongoing buy in from industry and Pacific partners while maintaining key domestic priorities, notably the New Zealanders first objective.

Timing and next steps

Subject to agreement, officials will draft a Cabinet paper with the aim of final Cabinet decisions on 6 July, to enable announcements at the RSE Conference (27-29 July).

Implementation timing will depend on your preferred options and prioritisation across the implementation pipeline. A phased approach could see some key changes implemented 6-8 months following Cabinet decisions. Further advice on implementation timing can be provided alongside a draft Cabinet paper.

Recommended actions

The Ministry of Business, Innovation and Employment recommends that you:

a **Direct** officials to draft a Cabinet paper for consultation which includes a package of proposed reforms to the Recognised Seasonal Employer scheme (RSE scheme), based on your decisions in recommendations c to e below

Agree / Disagree / Discuss

b **Note** these proposals relate to the RSE scheme rather than broader foreign affairs initiatives designed to maximise labour mobility benefits for the Pacific (see Figure One on page 6)

Noted

c **Agree** to the following proposed policy changes aimed at rebalancing the system to reduce burden:

Accreditation and compliance	
EITHER	
1. Graduated accreditation based on risk – one, three, then either three or six years depending on risk **(recommended)**	*Agree / Disagree / Discuss*
OR	
2. Longer subsequent accreditation – Six years for all employers	*Agree / Disagree / Discuss*
AND	
3. Introduce a graduated compliance model with formal tiers and levers to address minor, moderate and severe breaches **(recommended)**	*Agree / Disagree / Discuss*
The cap and Agreement to Recruit (ATR)	
EITHER	
4. Remove the cap	*Agree / Disagree / Discuss*
OR	
5. Maintain the cap, but move to a three-year cycle of setting the cap	*Agree / Disagree / Discuss*
AND	
EITHER	
6. Streamline the ATR and update the labour market test (to introduce and endorsement model and engagement in good faith requirement) (recommended)	*Agree / Disagree / Discuss*
OR	
7. Move the ATR to a three-year cycle supported by a workforce plan	*Agree / Disagree / Discuss*

d **Agree** to the following proposed policy changes aimed at increasing mobility to protect against exploitation:

Visa settings	
1. Replace limited visa status with a provision preventing access while onshore to any other visa type except Migrant Exploitation Protection Work Visas and limited visas **(recommended)**	*Agree / Disagree / Discuss*
2. Formalise access to Variations of Conditions between RSE employers **(recommended)**	*Agree / Disagree / Discuss*

e **Agree** to the following proposed policy changes aimed at improving clarity and transparency of key system requirements:

Cost recovery	
1. Formalise a list of allowable costs to recover which includes accommodation, 50 per cent of international flights, visa costs, health insurance, medical or dental expenses, transport for personal use (not to and from work), fines, food and wage advances **(recommended)**	*Agree / Disagree / Discuss*
2. Introduce a "Cost Recovery Agreement template" for employers to outline proposed cost recovery, and workers to agree to the proposed costs and the time period which costs are recovered over **(recommended)**	*Agree / Disagree / Discuss*
3. Establish further guidance on transport cost calculations	*Agree / Disagree / Discuss*
Complaints	
4. Formalise existing complaints process (**recommended**)	*Agree / Disagree / Discuss*
Pastoral care	
5. Adding 'providing access to the internet' to the existing list of prescribed standards **(recommended)**	*Agree / Disagree / Discuss*
6. Supporting industry to establish a best practice model for pastoral care **(recommended)**	*Agree / Disagree / Discuss*
7. Inserting a declaration in the ATR that pastoral care is unchanged, and move assessment of pastoral care standards to accreditation stage **(recommended)**	*Agree / Disagree / Discuss*
RSE tasks	
8. Enable workers to complete incidental tasks including the use of machinery that supplement their primary roles of planting, maintaining, harvesting and packing **(recommended)**	*Agree / Disagree / Discuss*
Sick leave	
EITHER	
9. Maintain a bespoke sick leave provision for RSE workers indefinitely	*Agree / Disagree / Discuss*
OR	
10. Maintain a bespoke sick leave provision until the current Employment Leave Bill has passed and then align with that **(recommended)**	*Agree / Disagree / Discuss*

f **Agree** to the following proposed policy changes surrounding accommodation:

Minimum Accommodation Standards (MAS)	
1. Establish a working group to work in partnership with industry and the Pacific to update MAS **(recommended)**	*Agree / Disagree / Discuss*
2. Change accommodation self-audits from annual to three-yearly with a declaration at ATR stage **(MBIE recommended)**	*Agree / Disagree / Discuss*

g **Note** officials considered but do not recommend making the RSE limited visa a multi-season visa due to increased complexity and labour market risks

Noted

h **Agree** to maintain the current one-season (seven or nine month) duration of RSE visas

Agree / Disagree / Discuss

i **Agree** to forward this briefing to the Ministers of Foreign Affairs, Agriculture, Associate Agriculture, State for Trade and Investment, and Social Development and Employment, for their awareness, given the significant interest in the RSE scheme across these portfolios.

Agree / Disagree / Discuss

Sam Foley
Manager, Immigration
(Skills and Residence) Policy
Labour, Science and Enterprise, Ministry of Business, Innovation and Employment

14 / 05 / 2026

Hon Erica Stanford
Minister of Immigration

___ / ___/ 2026

Background and context

The Recognised Seasonal Employer Scheme review intends to ensure the scheme continues to benefit all parties

1. Since launching in 2007, the Recognised Seasonal Employer scheme (the RSE scheme) has enabled the horticulture and viticulture sectors to fill labour shortages in seasonal roles where New Zealanders are not available, while providing benefits for Pacific workers and their communities. The RSE scheme has been transformative for both the horticulture and viticulture industries in New Zealand, supporting significant growth from $2.5 billion in annual export earnings in 2007, to close to $9 billion today.

2. The RSE scheme has also been transformative for many Pacific workers and their communities, enabling significant remittances and skills development, and is highly valued by Pacific countries. A 2023 survey of RSE workers, indicated that 59 per cent of respondents thought they would take or send home more than NZD$6,000, including 30 per cent of respondents who indicated this figure would be more than NZD$10,000.

3. However, RSE scheme settings have not kept pace with its growth and several known pain points have emerged. In 2019, a review of the RSE scheme was commenced, but this was put on hold at the onset of the COVID-19 pandemic. A review was then undertaken in 2022-23 and recommendations were made for changes to the scheme's design. However, Cabinet only noted the outcomes from this review rather than agreeing to progress changes.

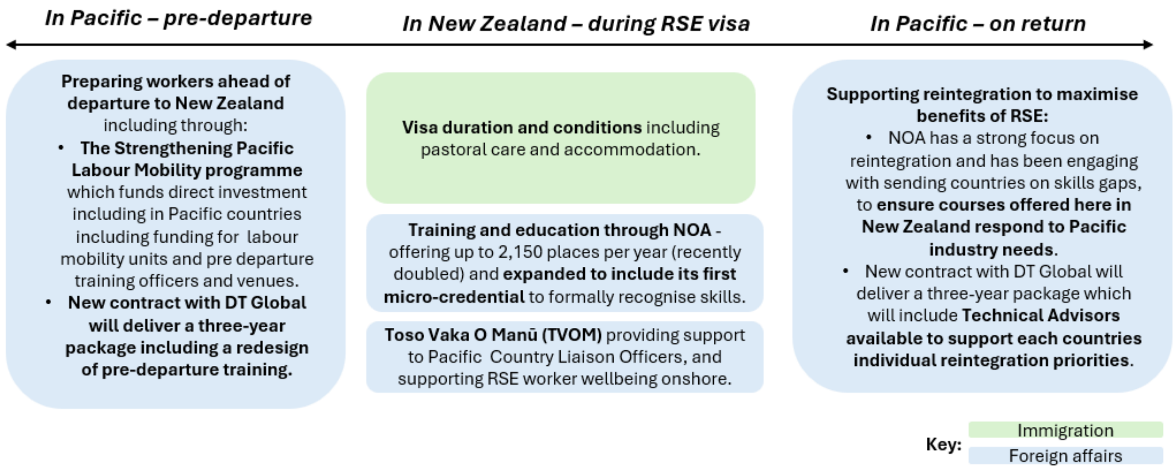
4. In September 2024, you agreed to introduce a series of targeted changes that addressed some of the most immediate concerns and known pain points. In early 2026 you agreed to prioritise a further review of the RSE scheme. You agreed that the 2026 review should aim to ensure that it is delivering on its 'triple win' objective to benefit the Pacific, workers and industry, by exploring options for reducing the burden on employers, improving worker wellbeing and providing greater clarity and transparency for requirements across the scheme (0027337 refers).

Maximising benefits to the Pacific is achieved through a broader ecosystem of labour mobility investment

5. RSE sits within a broader ecosystem of investment in the Pacific from the Foreign Affairs portfolio to maximise the benefit of Labour Mobility. Foreign affairs initiatives have not been in scope of this review.

6. Notably, you have raised your interest in training and education opportunities for RSE workers while in New Zealand, these opportunities (outside of in-work training) are delivered through the NOA Village of Learning programme which is funded by the Ministry of Foreign Affairs and Trade (MFAT) and available to up to 2,150 RSE workers per year while they are onshore in New Zealand. Other foreign affairs initiatives and how they support Pacific partners' priorities and the overall labour mobility outcomes for RSE are outlined in Figure One below.

Figure One: Investment to maximise benefit to Pacific partners in the RSE Scheme



Proposed package of reforms

7. Officials assessed options for reform against the 'triple win' objective and wider scheme objectives, including the 'New Zealanders first' principle and the overall risk approach. Recommendations reflect this and are informed by stakeholder consultation with key stakeholders undertaken over four weeks from 16 March 2026. Consultation included site visits and regional sessions in key horticulture and viticulture areas, in-person engagements in Tonga, Samoa and Fiji, meetings with visiting delegations from Kiribati and Tuvalu, and a series of online sessions.

8. To balance your objectives, we recommend a package of reforms to the RSE scheme addressing some key concerns raised by industry and Pacific partners by making three substantive shifts across the RSE scheme:

- Shift #1: Rebalancing the system to reduce burden by better targeting risks
- Shift #2: Increasing mobility to protect against exploitation
- Shift #3: Improved clarity and transparency of key system requirements

9. The proposed changes to enable these shifts are set out below, with **Annex One** mapping stakeholder concerns to our recommended response.

10. Overall, we consider this package to strike an appropriate balance between objectives of supporting the long-term sustainability of the RSE scheme. It responds directly to concerns raised by industry and Pacific partners. Horticulture New Zealand has highlighted industry's support for the package, noting that timely implementation would strengthen industry confidence and contribute to Government goals of doubling export value.

Rebalancing the system to reduce burden by better targeting risks

Accreditation – striking the balance of front and back-end checks

Issues raised

11. The RSE scheme is unique in the immigration system, playing an important role in New Zealand's horticulture and viticulture industry and in supporting our relationship with the Pacific. The social license with Pacific partners and the New Zealand public is critical for the RSE scheme to function. Its high profile has driven a historically risk-averse approach, with the design reflecting the higher risks of exploitation, as workers depend on employers for accommodation and are often indebted.

12. Industry consultation highlights the scheme has become highly regulated, becoming a fundamentally low-trust model. Current design favours regular, up-front compliance. Experienced RSE employers and industry bodies report frustration with its duplicative nature and view it as comparatively very highly regulated relative to other visa types. While safeguards for worker wellbeing remain important, the uniform approach to risk management may no longer be appropriate for established, compliant employers.

13. RSE status renewals provide an important checkpoint to ensure ongoing compliance, and are currently required of all employers after an initial two years accreditation period. However, the scheme's relatively small size, strong relationships between administrators and the 174 participating employers, and a 19-year history of very low accreditation refusal rates suggests expectations are largely known.

14. While accreditation can still to identify and resolve issues in some cases, many employers perceive it as a burdensome process with little added value. We have considered options on the frequency of accreditation assessments, noting that back-end monitoring may offer a more efficient and proportionate approach to managing risk.

Options

Option One: Graduated Accreditation – one, three, then either three- or six-yearly regular cycles depending on risk ***(recommended)***

15. We propose a graduated accreditation approach that enables accreditation of up to six years for established employers, while retaining the ability to grant three years if compliance concerns remain. This creates a clear incentive to maintain compliance, while keeping higher-risk or non-compliant employers on a three-year cycle that is equivalent to the status quo.

16. Under this model, new entrants to the RSE scheme would receive one year of accreditation (instead of the current two) while adjusting to expectations and where risks of non-compliance are highest, followed by a mandatory three-year period before eligibility for six years. The risk rules informing accreditation duration are under development as part of a graduated compliance framework and are being tested with key industry stakeholders.

Option Two: Longer accreditation - Six years for all subsequent accreditation applications

17. While Industry initially requested increasing subsequent accreditation durations to six years, Industry now support Option One. This alternative Option Two was originally requested to balance the cost of processing against the risks of non-compliance, arguing that most employers are experienced in the RSE scheme and compliant with expectations, earning them a higher degree of trust than settings currently permit.

Recommendation:

18. We recommend Option One. We support longer accreditation period for experienced and compliant employers but consider that a graduated model with options for three or six years provides stronger incentives for compliance and enables more targeted risk management. This option meets all three objectives:

- Reduces burden on employers by reducing the frequency and resource demands of renewals.
- Improves worker wellbeing by address areas of non-compliance and having robust sanctions in areas impacting workers.
- Provides greater clarity and transparency through clear settings and requirements.

19. This model was received favourably during consultation, with strong support for mechanisms that recognise and incentivise 'good' employers. Notably, Industry – despite their initial

proposal - now also support our recommended option. Agencies (including Police) cautioned against a blanket extension of accreditation, noting the need for some employers to have more frequent engagement with the Ministry of Business, Innovation and Employment (MBIE) to maintain compliance.

20. These options do carry some residual risk, due to fewer formal check-ins. This can be mitigated through increased post-decision monitoring. This focuses compliance effort on known risks, while maintaining the ability to spot-check any employer at any time within the three or six year accreditation period. This would be supported by a new risk and compliance model (see **Annex Two**). A tiered approach is expected to support this, especially where clear links between non-compliance and expected sanctions are communicated.

21. Confidential advice to Government [redacted]

The cap and Agreement to Recruit – a duplication of labour market interventions?

Issues raised

22. The annual cap on RSE workers and the labour market test within the ATR are both labour market interventions primarily intended to support the New Zealanders first objective of the RSE scheme. RSE workers supplement rather than replace the domestic workforce (making up approximately 19 per cent of the overall workforce with New Zealanders making up 75 per cent).[1] Therefore, any changes to these levers need to be considered in the context of the Government's Jobseeker target.

23. There have been concerns raised about the complexity and fairness of administering and allocating the cap[2] (particularly as it is not currently being met) and the administrative burden of the current ATR process for employers. We have therefore considered options to either reduce the administrative burden and/or the frequency of checks. This would also improve operational efficiency and free up resource to allocate to back-end checks.

<u>The Cap</u>

Option One: Remove the Cap

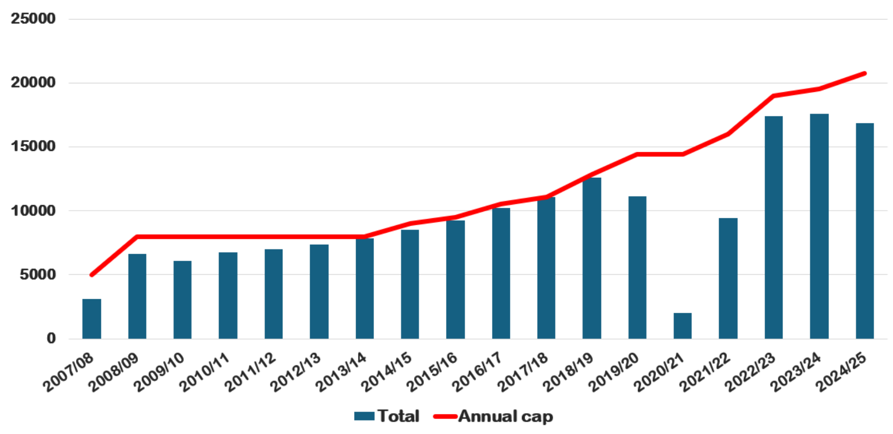
24. This option would remove the overarching cap on the RSE scheme and rely on the labour market test within the ATR as the primary labour market intervention. This would significantly reduce the burden associated with administering and allocating a cap.

25. This could have the impact of the numbers of RSE workers increasing which could have a negative effect on both the New Zealanders first principle of the RSE scheme and may limit incentives for firms to invest in automation to improve productivity. Officials consider these risks are lower in the context of the high cost of recruitment through the RSE scheme (notably having to build or acquire accommodation for workers[3]), maintenance of the labour market test in the ATR and recent recruitment trends under RSE. In the years following the COVID-19 pandemic RSE worker arrival volumes are far less linked to cap increases, instead they have stayed relatively steady below the cap despite continual increases in contrast to pre-COVID years (see Figure Two below).

---

[1] Baseline-indicators-FINAL-MAY-2025.pdf
[2] There can be challenges with employers inflating their numbers to secure their allocation but not actually needing as many places as being secured.
[3] Many industry submitters noted approved bed numbers in practice act as the schemes cap.

Figure Two: Comparison of RSE worker arrivals 07/08 - 24/25 tracked against the annual cap[4]



26. While not its primary intent, International relations [redacted] Despite expectations, most Pacific countries did not express concern at the idea of removing the cap during consultation and questioned its rationale.[6] Noting different labour market pressures exist in different sending countries, we consider an option to remove the cap could be accompanied by messaging reiterating that New Zealand will support sending countries to set their own caps (e.g. recent decisions by Samoa) to mitigate any remaining risks.

27. It is common practice for RSE employers who need labour for less than a whole seven/nine-month season to apply to share the labour of a RSE worker (joint ATRs). This ensures the worker can maximise their time and income and reduces the cost for employers to pay a share of flights for each worker. While these remain relevant if the cap is removed, incentives may shift as RSE employers will not need joint ATRs to stay within the cap. This could result in higher volumes of workers recruited for shorter periods. Maximising time onshore is of key interest to Pacific partners and a reduction would likely not be palatable with Pacific sending countries.[7]

Option Two: Maintain the cap but set it on a three-year cycle

28. A key issue with the current cap is the ad-hoc, reactive approach to setting it. Should you wish to maintain a cap, we recommend it be moved to a three-year cycle (akin to the Refugee Quota Programme). Previous intent has been to base the cap on regional labour supply and demand models, but these are difficult to establish and rely on. Instead, we recommend specifying what must be considered in setting the cap, for example:

- Local and regional unemployment levels and availability of local labour supply, in consultation with the Ministry of Social Development (MSD).
- Forecast labour demands, in consultation with industry representatives and RSE employers.
- The impact of the cap of Pacific sending countries and any specific sending country caps or limits, in consultation with Pacific Governments.

---

[4] Source: Bedford, R and C presentation at the 2025 RSE conference.
[5] Australia's equivalent Pacific Australia Labour Mobility scheme (PALM) does not have a cap and has generated criticism in the past about volumes.
[6] The cap may also be useful in setting expectations with the Pacific about how many workers may be able to come to New Zealand. Many submitters highlighted their desire to increase their numbers, which in practice may not occur even if the cap is removed.
[redacted] would like a guaranteed minimum of six months onshore.

29. We recommend that the Ministers of Immigration and Social Development and Employment are delegated authority to make changes to the cap within the three-year window in specified circumstances e.g. in cases of significant economic disruption. The cap would be allocated in consultation with industry and MSD. Further work would be required to update the methodology to allocate the cap.[8]

Agreement to Recruit

Option One: Streamline the ATR but maintain current frequency ***(recommended)***

30. We recommend maintaining frequent labour market testing to continue to support the New Zealanders first principle of the RSE scheme, particularly if you opt to remove the cap. To do so, while reducing the burden for employers, we propose a streamlined ATR which would rely less on upfront checking and approvals. This would remove the upfront assessment of cost recovery and only require assessment of accommodation and/or pastoral care where there is a change since previously provided information.[9]

31. This would leave the ATR primarily focused on testing the domestic labour market. In conjunction with MSD, we are proposing to update the labour market testing requirements to improve clarity and incentivise ongoing engagement with MSD as follows:

- An MSD 'endorsement' pathway – after engaging with MSD on labour needs, MSD may endorse employers who develop or maintain a genuine partnership with MSD. Endorsement would allow the employer to skip the labour market test requirements for up to three years, at MSDs discretion, with regular check-ins (akin to the Peak Seasonal Visa).

- For employers without endorsement, there would be a requirement to test the domestic labour market (including by advertising publicly) and engage with MSD in good faith. Good faith engagement would mean that employers would provide details of the vacancies to MSD and genuinely consider MSD referrals including interviewing and hiring candidates that the employer deems suitable (akin to the process for ANZSCO 4 and 5 roles under the AEWV). MSD would confirm this engagement had occurred prior to the ATR being granted.

32. We consider this option best supports continued engagement in the domestic labour market and with Jobseekers.

Option Two: Move the ATR to a three-yearly cycle

33. Under this option ATRs would maintain accommodation and pastoral care elements[10] but be done on a three-year cycle. The ATR and numbers approved under the ATR would be supported by a three-year labour market plan from employers, which would include forecasted demand for workers, projected numbers of roles to be filled by New Zealanders and would seek agreement to recruit set numbers of RSE workers for the following three years/seasons.[11]

34. This option intends to provide greater certainty for employers about their upcoming labour needs and reduce the frequency of the ATR. In practice, the required comprehensiveness of an upfront ATR covering three years may negate the potential benefits. It would also be

[8] The current process has garnered criticism for explicitly favouring larger and longer standing RSE employers.
[9] Further detailed design will consider whether employment agreements need to be checked at the ATR stage. To reduce duplication, an option could be to remove the checking at the ATR stage with employers making a declaration. Key clauses could continue to be checked at the visa application stage.
[10] Including the current role of the Labour Inspectorate.
[11] It would be expected that employers would continue to engage with MSD at the start of each season, including interviewing and hiring candidates that the employer deems suitable.

complex to implement. Compared to option one, MSD considers that there are challenges with genuinely testing and considering the domestic labour market three years in advance. If this option is progressed, MSD will work with MBIE on mitigations to ensure opportunities for Jobseekers.

Recommendation:

35. We have considered these options primarily against the objectives to reduce administrative burden and ensure New Zealanders are considered first. We recommend either removing the cap or setting it at a three-year cycle (industry and the majority of Pacific Governments who submitted supported removing the cap). We recommend maintaining an annual streamlined ATR, alongside monitoring impacts to the labour market. MSD and industry both support an annual streamlined ATR.

36. Should you wish to maintain a cap to mitigate risks (outlined above), we would recommend setting it at a three-year cycle but maintaining an annual ATR to ensure frequency of engagement with the New Zealand labour market. We do not recommend moving the ATR to a three-year cycle given the complexity and labour market risks.[12]

Increasing mobility to protect against exploitation

Issues raised

37. Current RSE scheme settings have been designed to mitigate against perceived overstaying risks and reinforce the seasonal nature of the RSE scheme. As Limited Visas, RSE workers are restricted in their ability to move visa types onshore (including Migrant Exploitation Protection Visas (MEPV)) and have no appeal rights. Limited visa status has also caused challenges when workers are required to stay in New Zealand for medical treatment or court hearings after their RSE scheme visa expires.

38. Legal professional privilege [redacted]

Options

Replace limited visa status with a provision preventing access to other visa types except MEPVs and limited visas **(recommended)**

39. The RSE scheme is anomalous as the only visa product where risk is ascribed to the whole class of visa holders, rather than assessed on a case-by-case basis for individual visa. Fre [redacted]

40. Removing Limited Visa status would support increased flexibility and provide a key benefit of access to MEPVs. Removing the limited status of RSE visas could be perceived as undermining the intent of RSE being a seasonal, cyclical labour mobility scheme by enabling RSE workers to apply for and transfer to other visa types (e.g. AEWV or partnership) while onshore. This would undermine benefits of the scheme for the Pacific and would compromise the principle of New Zealanders first. To mitigate this, we recommend the changes are

[12] Confidential advice to Government [redacted].

designed to ensure those currently onshore on an RSE visa are not eligible for other visa types (except MEPVs or case-by-case limited visas).

Enabling the use of Variations of Conditions (VOCs) to move RSE employers ***(recommended)***

41. Enabling RSE workers to vary conditions of their visas to change RSE employer, work site, or region could reduce risks that workers are exposed to exploitation and provide more flexibility to ensure workers can maximise their earnings while in New Zealand.

42. There is a risk that employers see this as an avenue to increase RSE mobility at the detriment of stability for workers. This could be offset by requiring that RSE worker VOCs be approved only if both of the following are present:

- unforeseen events have resulted in work no longer being available, and
- the worker and the current employer agree to the movement.

43. Movements would require any new employer to have both pre-approved bed capacity and headroom in an existing ATR. A cap on the number of movements per worker each season could also be considered to further mitigate the risks of instability (noting this could increase complexity). Guidance on the need to align employment end dates could also address previous concerns.[13]

44. The ability for you to make special direction to respond to unusual circumstances is available under the Immigration (Fiscal Sustainability and System Integrity) Amendment Act 2025. This may be suitable for a mass movement of workers in the case of another Cyclone Gabrielle type event. However, use of the Special Direction in cases of smaller, employer-specific or localised impacts may not be appropriate, creating a gap.

Recommendations:

45. In light of objectives to improve worker wellbeing and reduce administrative burden, we recommend removing Limited Visa status and enabling access to VOCs. Removal of Limited Visa status and enabling access to MEPVs will reduce exploitation risks and improve worker wellbeing. Access to VOCs will reduce administrative burdens of moving workers through existing need to apply for new visas, and will support increased flexibility where there are unforeseen circumstances that justify movement. Further detailed design is needed to mitigate potential risks of increased movement using VOCs, noting the intent that Joint ATRs remain standard practice.

46. We note that removing Limited Visa status and restricting eligibility to be granted further visas for onshore RSE workers would require a new RSE work visa category, and significant ICT and process changes to ensure that visas are not inadvertently granted to ineligible applicants. This could be considered alongside the migration of RSE onto the ADEPT platform.

Improved clarity and transparency of key system requirements

47. The RSE Scheme has become more complex over time to respond to new and emerging risks. This has resulted in regulatory expansion through operational guidance, creating a complex and uncertain regulatory environment. Options considered under this objective focus on improving clarity and transparency in policy settings.

[13] Ability to vary the conditions of an RSE visa has been a feature of the scheme but was removed in 2020. This was partly due to volumes of VOCs rising in 2020 as employers prioritised use of workers still onshore due to inability to travel home during COVID.

Clarifying the approach to cost recovery

Issues raised

48. Cost recovery is an area of significant interest for industry and Pacific partners, with both raising concerns about the lack of transparency of current rules. Industry notes inconsistency in how the Labour Inspectorate determines costs are actual, verifiable and reasonable, while Pacific governments are concerned about the lack of visibility of costs.

49. In the recent Employment Court case (*Soapi v Pick Hawkes Bay Inc*)[14] the Court found that wage deductions cannot generally reduce an employee's pay to below the minimum rate of pay. Following this, many employers moved to cost recovery via automatic payment instead of deduction. Automatic payments improve workers' oversight but increase administrative burden for employers and reduce visibility for the Labour Inspectorate.

50. Legal professional privilege [redacted]

Options

An exhaustive list of recoverable costs ***(recommended)***

51. Establishing a clear list would provide certainty for employers and workers over what can and cannot be recovered. These would retain the current requirement that costs were actual, reasonable and verifiable expenses. We recommend that this list include:

- accommodation,
- 50 per cent of the return international flight from a worker's home country to New Zealand (or Nadi, for workers from Tuvalu and Kiribati),
- visa application costs,
- health insurance,
- additional medical or dental expenses not covered by insurance,
- transport costs excluding transport between worker accommodation and the worksite or moving between worksites,
- fines incurred while the worker is driving,
- food, and
- wage advances.[15]

52. This excludes the cost of domestic travel within New Zealand from international airport to worksite and return, meaning employers are not able to recover this cost. This would remove the discretion of the Labour Inspectorate to determine what types of charges were permitted.

A cost recovery consent form ***(recommended)***

53. A template would be designed to enable clear itemisation and agreement between employers and employees of costs to be recovered and provide workers the opportunity to determine the time period to repay costs.

---

[14] *Soapi v Pick Hawke's Bay Inc* [2025] NZEmpC 208.

[15] This list is based on the recommendation in the 2022-23 review and MBIE analysis of ATR wage deduction information.

54. Enabling workers to determine the period at which they spread their deductions helps to improve worker say over these matters and reduce risks workers are left with very little in early weeks of the scheme.

55. The form could also require the employer to provide photos of accommodation the worker will be staying in (alongside the accommodation cost). This would address a long-standing concern from the Pacific about a lack of visibility prior to arrival at the accommodation.

56. Rather than upfront “approvals”, the Labour Inspectorate would use these forms to undertake spot checks that costs are being recovered in line with the template arrangements. Immigration instructions would need to be updated to allow the Labour Inspectorate access to review these arrangements where automatic payments were in use.

Guidance to support transport cost recovery

57. Industry have proposed that employers be able to recover all costs of providing transport for workers including travel to and from work.

58. Unlike New Zealanders, RSE workers do not have a choice in where they live, the distance between work and their accommodation, or the transport options between. These limit the freedom for workers to determine the costs they incur. Common practice by the Labour Inspectorate has been to not allow for employers to recover these costs given the lack of worker choice. We recommend formalising this position. In cases where personal use of vehicles is permitted outside of work, we recommend allowing recovery of costs. We have considered two options to do this.

Option One: Industry’s model

59. Industry’s transport cost model is based on the capital value of vehicles and scales costs to offset depreciation, in addition to standard operating costs such as fuel and wear. The design intent with this calculator is to incentivise investment in newer, safer vehicles.

Option Two: Inland Revenue kilometre rates

60. Inland Revenue (IR) also provide an alternative transport cost calculations that could be used for RSE transport cost recovery. The IR model also factor in depreciation of vehicles, but at a flat rate irrespective of the capital value of a particular vehicle.

Recommendations:

61. We recommend establishing a set list of recoverable costs, supported by a cost recovery consent form for itemising and repaying these costs. This will deliver much improved certainty and transparency for workers, employers and the Pacific.

62. Allowing employees to select the time period they would like to recover their costs over gives them more control over their outgoings. It may mean, in cases where employees opt to spread costs over a longer time period that employers have to hold debts for longer. On balance we think this fairer and limits risk of leaving workers with very little income to afford necessities and/or send money home in early weeks in New Zealand.

63. Where personal use of vehicles is permitted, it is important to determine an appropriate model for calculating cost to ensure that costs are transparent. We consider that industry’s scalable model better reflects the quality and cost of operation and is more appropriate. However, we note further assessment with IR is required to ensure that the industry model can be implemented.

64. We propose to exclude some transport costs from recovery eligibility, including transport to and from worksites. Excluding these from recovery will likely result in RSE employers being required to pay Fringe Benefit Tax for that travel. We are continuing to work with Inland Revenue to determine cost impacts.

65. We considered, but do not recommend, an alternate option to set a minimum threshold for worker earnings. This is used in PALM, where employers are prohibited from recovering the cost of accommodation and transport on weeks where they cannot offer the employee at least 20 hours of work. They also cannot roll over deductions to weeks where employees work more hours. Several Pacific partners, New Zealand government agencies and union submissions supported a similar model for the RSE scheme.

66. However, varied weekly recovery amounts are challenging with the common practice of automatic payments. Employer submissions highlighted the significant time already spent supporting workers, some who have never had a bank account before, to set up automatic payments. Varied weekly recovery rates would significantly increase the burden involved in maintaining these.

Broadening allowable Recognised Seasonal Employer scheme tasks for workers

Issues raised

67. Currently, RSE is limited to seasonal work in the horticulture and viticulture industries' which is defined as planting, maintaining, harvesting and packing crops. These tasks remain key to the horticulture and viticulture industries, but the way these tasks are completed has changed with automation and ongoing technological advancement. Engagement highlighted it is common practice for employers to require workers to operate forklifts on occasion, but to not disclose this for fear of breaching their ATR.

Enable RSE workers to complete incidental tasks that supplement their primary roles of planting, maintaining, harvesting and packing ***(recommended)***

68. We consider that enabling more flexibility in tasks better aligns with industry expectations and ensures safety is prioritised (especially in the operation of forklifts). This will reduce integrity risks for the scheme by resolving a potentially significant non-compliance gap. It also provides opportunities for workers to upskill and increase their earning potential and strengthens the provision of useful skills taken back to the Pacific.

69. Any RSE worker completing incidental tasks, such as operation of a forklift, would be required to be appropriately trained, and should be remunerated according to market rate. A worker would only be permitted to undertake this task if it supplemented their primary role. Employers should list the additional tasks in their job advertisements, and this should be made clear to MSD to help prepare suitable candidates.

70. There are practical challenges for enforcement of these due to the discretion involved in defining and measuring an incidental task. There is a risk that there is an increase in the volume of workers working on forklifts or doing similar tasks that are beyond incidental or are not being suitably remunerated as a result. However, we consider that these enforcement challenges already exist and allowing more explicit flexibility will increase visibility, and increase the benefits workers and the Pacific can get from RSE work.

Pastoral care requirements

Issues raised

71. Pastoral care is a key element of ensuring workers are adequately supported while onshore, but it is very challenging to define. Pastoral care support varies widely from culture to location to worker, and current settings favour flexibility to tailor provision over prescription of minimum standards. Employers have expressed concern that standards are unclear and that these create uncertain expectations.

Adding 'providing access to the internet' to the existing list of prescribed standards[16] ***(recommended)***

72. Internet access is currently referred to in the accommodation cost methodology and pastoral care guidance but is not currently required. Adding this to instructions will provide clarity for expectations and improve worker wellbeing.

73. Maintaining connection with families and communities is very important for worker wellbeing and ongoing relationships with the Pacific. Internet access is the preferred channel for connection. We consider a strong justification exists for requiring access, especially given internet is already made available in most cases. There may be connection costs for some accommodation in particularly remote areas, although we consider the value and importance of internet accessibility even higher in remote areas for maintaining worker wellbeing.

Supporting industry to establish a best practice model for pastoral care ***(recommended)***

74. This could build on the Whānau Moāna Nui programme that industry is currently piloting, which aims to promote high quality Pacific labour mobility practices. This would increase clarity without setting expectations that will be unreasonable or unrealistic for all employers and maintains the flexibility for delivery to be adapted to the needs of workers. This could be informed by the RSE Cultural Awareness Framework and the Ola Manuia: Pacific Health and Wellbeing framework which RSE workers, MBIE, industry and HealthNZ co-developed.

Alignment of sick leave provisions

Issues raised

75. RSE workers are currently able to access two days of sick leave immediately on arrival, which is inconsistent with standard sick leave provisions in New Zealand. Industry has requested that this bespoke provision be removed to align with the terms available to New Zealanders which requires workers to in employment for 6 months before they can receive paid sick leave, and to reduce the payroll complexities of having two sick leave systems.

76. This provision was introduced based on research that showed large proportions of RSE workers became ill on arrival due to the change in climate and were at risk of adverse outcomes if faced with high debt and no income as a result of being on unpaid sick leave. However, bespoke sick leave requirements for RSE workers have created significant complexity (if employers need to manage different payroll systems) and created concerns regarding fairness with treatment of New Zealand workers.

77. The Employment Leave Bill proposes to change annual and sick leave entitlement to begin accruing from the first day of employment, rather than lump sum entitlements. We recommend maintaining the current sick leave provision until the Employment Leave Bill is passed to balance these concerns and reduce the number of system changes required. This mitigates the potential cost of employers needing to adjust approaches in response to the review, and then again soon after when law changes come into effect.

Further work is needed on appropriate accommodation standards

78. Accommodating workers is the greatest cost for employers and a key concern for the Pacific. Police has identified "unsafe and unreasonable accommodation" as one of the biggest risks in the RSE system. While many employers provide high quality accommodation, media

[16] Existing requirements are: transportation to and from the port of arrival and departure; an induction programme; suitable accommodation; transportation to and from the worksite(s); access to personal banking; access to lawful and reputable remittance services; access to acceptable medical insurance (see WH1.25); provision of personal protective equipment; provision of onsite facilities (toilets, hand washing, first aid, shelter, fresh drinking water); necessary language translation, e.g. for health and safety purposes; and opportunity for recreation and religious observance.

coverage of overcrowding and poor conditions also undermines the social licence for the scheme.

79. Industry has proposed removing Minimum Accommodation Standards (MAS), arguing that bespoke RSE standards add an unnecessary layer of complexity beyond other housing standards. However, this could reduce consistency and enable employers in some regions to meet lower standards than they currently do. Key Pacific concerns include risks of overcrowding, use of bunk beds, and insufficient toilet and other facilities. These concerns are unlikely to be addressed by removing MAS and using local council regulations. The Ministry of Housing and Urban Development (HUD) notes that removing MAS will not necessarily make it less complex or easier for RSE accommodation to meet other legal requirements.

80. Rather than taking a specific proposal to Cabinet now, we recommend establishing a working group to update MAS and commit to grandparenting existing standards in the short term (to give employers certainty are looking to invest in the interim). The proposed working group would include representatives from industry, the Pacific, and government, and could also include council representation from key RSE territorial authorities.

81. You could also make an interim change to reduce burden on employers by moving accommodation self-audits from annual to three-yearly with a declaration at ATR stage. This could be accompanied by a declaration provided at ATR stage (if it remains annual) that no changes have been made since the previous audit. MFAT are concerned about reducing the frequency of accommodation checks outside of broader consideration on accommodation standards. However, risks could be mitigated through spot checks (based on risk) within the three-year audit window.

We are not proposing changes to the visa duration or insurance

82. Two options frequently raised to improve the scheme for workers are allowing RSE workers to come to New Zealand for multiple seasons on one visa (to reduce time and cost associated with getting a new visa each season) and expanding the coverage of health insurance, while reducing the overall cost.

83. We have considered both of these options but ultimately recommended maintaining existing settings for the visa duration (7 or 9 months) and current health insurance coverage. At this stage, we do not consider there to be tangible options to meet the desired intent. Our advice across these two areas is included in **Annex Three**.

Operational impacts of the proposals

Resourcing and productivity

84. The proposals in this paper shift in the level of front-end vs back-end checks and frequency of touch points for low-risk employers. In turn, they support operational productivity and efficiency and aim to reprioritise existing resource to better target risk. This proposed package relies on freeing up resource at the front end to support greater back-end checking. However, detailed work to ensure this comes out neutral on resourcing is needed. Confi

Operational complexity and implementation timing

85. The proposals in this paper require further detailed design work. As you know, the implementation pipeline is at capacity delivering existing work programme priorities (notably changes to the Skilled Migrant Category). Timing will therefore also depend on your relative prioritisation across the delivery work programme.

86. There may be opportunities to prioritise delivery of proposals – particularly where they do not have ICT impacts. Key opportunities to deliver more immediate benefits to industry and Pacific partners and to maximise productivity gains are removing the cap, streamlining the ATR and/or introducing the 'Cost Recovery Agreement' template. Subject to detailed design and prioritisation decisions, Confidential advice to Government [redacted]

87. Other options are more complex and some (such as removal of Limited Visa status) have ICT implications and broader touch points across the system making it more difficult to prioritise delivery. Implementation impacts will need to be fully scoped to determine the implementation timeframes.

88. We will provide you with a further indication of potential implementation timing of your preferred package of options alongside the draft Cabinet paper.

Meeting industry and Pacific expectations

89. The proposals in this paper go a considerable way to addressing concerns raised by both industry and Pacific partners as outlined in **Annex One**. However, there are notable areas where there are risks of ongoing frustrations from partners in the RSE scheme:

- *Timing to move the RSE scheme online* – both industry and Pacific partners have highlighted the desire to move the RSE scheme online to improve efficiencies. The latest Our Future Services estimate is that the RSE scheme will not move online till mid-2029 at the earliest.

- *Implementation timing* – industry have signalled they want to see changes implemented quickly. This is likely to be challenging given the current capacity constraints in the implementation delivery pipeline.

- *Accommodation standards* – industry have expressed their disappointment at not yet having a resolution to accommodation standards. They have signalled a desire to progress a working group at pace (within three months). MFAT have recommended a longer timeframe to enable meaningful engagement with Pacific partners, as a compressed process risks limiting the quality and inclusiveness of consultation. We can discuss timing options further with you.

- *Level of engagement* – industry have continually expressed support for the level of engagement throughout the review. International relations [redacted]

- *Country-specific requests* – International relations [redacted] While not explicitly in scope of the review, we will engage with MFAT on these requests and can provide you with further advice alongside the draft Cabinet paper.

Next steps and timeframes

90. Officials will discuss this advice with you at an upcoming meeting on Monday 18 May.

91. Subject to your agreement, officials will draft a Cabinet paper. To meet proposed announcement timing at this years RSE conference, we are currently working towards the following timeframe. We note that this timeframe is tight, with any delaying causing significant risk to the ability to make announcements at the RSE conference (particularly given limited Cabinet Committee dates in July).

Table One: Proposed Timeframe

What?	When?
Draft Cabinet paper provided to you seeking agreement to undertake agency and Ministerial consultation	28 May
Ministerial and agency consultation	2-16 June
Revised Cabinet paper provided to you seeking agreement to lodge	18 June
Lodging Cabinet paper	25 June
Cabinet Economic Policy Committee	1 July
Cabinet	6 July
Announcements	RSE conference (27-29 July)

92. We have recommended you forward this briefing to the Ministers of Foreign Affairs, Agriculture, Associate Agriculture, State for Trade and Investment, and Social Development and Employment, for their awareness, given the significant interest in the RSE scheme across these portfolios.

Annexes

Annex One: Issues raised during consultation and options being proposed in response

Annex Two: Overview of the proposed compliance and complaints processes

Annex Three: Advice on maintaining current visa durations and health insurance requirements

Annex One: Issues raised during consultation and options being proposed in response

Theme	Concern/issue raised	Recommended option to address concerns
Rebalancing the system to reduce burden	Unnecessary administrative burden and uncertainty for employers, making the status renewal process overly complex and duplicative (Industry and some Pacific countries).	Increase status duration from three to six years, either as a blanket approach or as graduated accreditation based on risk- one, three, then either three or six years depending on risk.
	Status renewal processes/duration suggest low trust towards long-term users of the RSE scheme (Industry).	
	Compliance settings disproportionate, unclear and ad-hoc. System under-resourced and lack incentives to drive good practice or levers to address bad practice (Industry, Human Rights Commission (HRC) and Pacific).	A graduated compliance model with formal, transparent tiers and levers to address minor, moderate and severe breaches.
	Those intentionally breaching the rules should be sanctioned, with recognition unintentional noncompliance due to unclear system settings (Industry and Pacific).	
	Applications should move online as a matter of priority- improve efficiency and reliability (Industry and Pacific).	**No recommendations made**, as RSE scheduled to go online mid-2029 at the earliest.
	Agreement to Recruit (ATR): burdensome, duplicative, and unrealistic for seasonal work (Industry and Pacific).	Streamline the ATR and update the labour market test to introduce an endorsement model and engagement in good faith, or move the ATR to a three-year cycle supported by a workforce plan
	ATRs significantly delayed, requiring advance application and engagement with MSD which is misaligned with MSD's views on labour market testing (Industry).	
	Desire for "New Zealander's first" objectives to not be misconstrued as "Jobseekers first", with greater recognition of permanent roles and non-referral based hiring of domestic workforce (Industry).	
	Quality, consistency and certainty of MSD referrals (Industry).	
	ATR process holds significant uncertainty and complexity surrounding accommodation and pastoral care arrangements (Industry).	Move assessment to accreditation, replace ATR assessments with declaration of no-change.
		Change accommodation self-audits from annual to three-yearly with a declaration at ATR stage.
	Cap/cap allocation don't reflect labour market realities/existing testing, not fit for purpose (Industry and Pacific).	Remove the cap, or maintain it but move to a three-year cycle of setting the cap.
		Maintain the cap, but move to a three-year cycle of setting the cap
	The scheme has matured beyond the need for a New Zealand-imposed cap, more appropriate for sending countries to determine (Industry- NZEE specifically and some Pacific countries).	If removing the cap, option to have clear messaging that New Zealand will support Pacific sending countries to set their own caps (if desired).
Increasing mobility	Visa settings require greater flexibility to recognise business/seasonal disruption and cases of exploitation; however, this must be balanced with impacts on New Zealand and the need for employers to have choices over their workers (Industry, HRC and Pacific). Some support for maintaining limited visas (Industry and Int	Maintain the current one-season duration of RSE visas, recommend against multi-season visas.
		Replace limited status with a provision preventing access to any other visa type except Migrant Exploitation and Protection Visas, and formalise access to variations of conditions
	Requests for longer minimum-contract durations	
	"Tied-visas' exacerbate exploitation risks, undermine dignity, equality and freedom of association (HRC).	
	RSE workers deserve certainty over future seasons (conflicting Industry submissions, HRC and Pacific).	**No recommendations made**, difficult to balance against employer needs and difficulties designing a multi-season visa for RSE.
Improving clarity and transparency	Cost recovery settings don't reflect year-round capital investment, and seasonal nature of employment (Industry), or unfair spread of costs for workers (Academics and Pacific)	**No recommendation made,** would place unfair distribution of costs on workers.
	Unclear recovery guidance means workers are disadvantaged, unreasonable passed-on costs and methods. Further exacerbated by the recent employment law decisions (Industry, HRC and Pacific).	Formalise a list of allowable costs to recover
	Transport cost recovery is a key priority for industry. Guidance is unclear, and higher burden on employers. Requests adoption of Industry's transport cost-recovery calculator (Industry).	Introduce a "Cost Recovery Agreement template" for employers to outlined proposed cost recovery and workers to agree to the period which costs are recovered over.
		Add access to internet to the existing list of prescribed standards

	Pastoral care expectations overly broad and insufficiently defined. Need clearer definitions, reflection of minimum standards from the Ministry of Business, Innovation and Employment (MBIE) rather than best practice (Industry, HRC and Pacific).	Support industry to establish a best practice model for pastoral care
	Greater recognition from MSD for on-the-job use of machinery and role-related training (Industry and Pacific).	Enable workers to complete incidental tasks including the use of machinery that supplement their primary roles of planting, maintaining, harvesting and packing
	Sick leave should be aligned with New Zealand employment law (Industry), or, remain bespoke (Academics).	Maintain bespoke sick leave provisions, align with Employment Leave Bill once passed.
	Health insurance settings should stay (Industry), but improve entitlement awareness (Industry, HRC and Pacific)	**No recommendation made,** possible role for the Ministry of Foreign Affairs and Trade (MFAT) in funding translations or departure information.
	Concerns on seasonal, holiday and overtime pay rates (Pacific)	**No recommendation made,** suggest clarification of employment law.
	Communication issues/complaints process unclear (Pacific). Interna suggests a "Pacific Partner feedback step'.	Formalise triaging and escalation pathways between INZ, CLOs and LI.
	Accommodation requirements duplicate/misalign with existing building, health homes, and local authority standards, creating unnecessary complexity and regulatory overreach (Industry)	Establish a working group to update the Minimum Accommodation Standards.
	Accommodation should be culturally appropriate (Pacific, HRC)	
	Revisit Accommodation Cost Methodology, is unworkable/exposes employers to tax compliance risks (Industry)	**No recommendation made,** methodology requires time to monitor and evaluate.

Industry refers to industry bodies and the series of individual employers who submitted. Where there is diverging views across Industry, this has been called out.
Pacific refers to submissions from select Pacific countries. Where a concern is unique to a particular sending nation that nation has been specifically named.

Annex Two: Overview of the proposed compliance and complaints processes

An updated compliance framework can strengthen disincentives for non-compliance

The current compliance model is unclear and not fit for purpose. Confidential advice to [redacted] At present, status revocation is effectively the only formal lever available, limiting the ability to respond proportionately to non-compliance.

The model below is intended to provide greater clarity and transparency around requirements and consequences. Scalable options would enable Immigration New Zealand (INZ) to better align sanctions with the level of non-compliance and, in turn, strengthen public confidence in the integrity of the RSE scheme. While most employers are likely to remain “low risk”, with minor issues that can be remedied, the most significant change is in the medium category. Confidential advice to [redacted]

This proposal has been received favourably by stakeholders. Industry, Pacific partners, and agencies support a tiered model, which aligns closely with Industry’s preferred four-tier compliance framework. A tiered approach, with clear links between non-compliance and consequences, is expected to support this shift.

Formalising a complaints mechanism will help provide certainty

INZ currently administers a complaints mechanism for the wider immigration system, in addition to migrant exploitation and employment disputes resolution processes administered by Employment NZ. Cultural and language barriers for RSE workers demonstrates the value of Country Liaison Officers (CLOs) in this space, but there is limited visibility or guidance around this process.

Formalising the existing RSE complaints mechanism would involve setting clear expectations of the INZ, CLOs and the Labour Inspectorate when triaging complaints, standardising escalation processes, and establishing clear record-keeping practices. This could also involve providing a list of complaints and resolutions reached for reference to the RSE Governance Group for visibility, with guidance on escalating complaints to you via no surprises as required.

We recommend work with INZ, CLOs and the Labour Inspectorate to formalise a shared triage process. Clearer administration could also help inform compliance decisions under the proposed compliance framework. This may incur a short term resourcing cost, as the increase in visibility and transparency generates an increase in complaints. We note similar trends were observed when MEPV awareness was increased. MFAT strongly supports this option.

Any process would be clear that day-to-day employment issues should be discussed between employer and employee. The complaints process would focus on immigration matters or significant employment breaches that have immigration implications (e.g. non-payment of wages).

Confidential advice to Government

[redacted]

Annex Three: Maintaining current visa durations and health insurance requirements

The complexity of a multi-season visa may undermine its benefits

Workers have reported that they often need to travel large distances by boat in their home countries to prepare visa paperwork at large cost and costs are higher for workers from more remote areas. Single-season visas can also limit RSE employers forward planning capabilities, and employers have expressed concern that they can often only confirm their labour supply weeks or sometimes days before each season starts due to processing delays.

However, RSE workers are not currently required to undergo medicals or x-rays unless they are from a high-incidence Tuberculosis country which currently accounts for approximately 30 per cent of workers. Shifting to a multi-season visa would require all workers to get both medical and x-rays, which would immediately offset any cost reduction workers received by paying for less frequent visa applications. For the cost balance of a three-season visa to be better than single seasons, exemption from health requirements would be required which would undermine broader public health objectives.

A variety of other factors present challenges to the function of a multi-season visa, including:

- Potential to reduce incentives for employers to engage the local labour market. Ministry of Social Development (MSD) have also expressed this concern.
- Feasibility relies on a three-year ATR, and if a cap is maintained, there is significant operational complexity in managing all three co-dependant functions.
- Inconsistencies would arise with the Peak Seasonal Visa which only grants one season of work per visa.
- Border enforceability of the seasonal limits of a multi-entry visa is not currently possible, as workers visa conditions would only state that they had the ability for multiple entries ending at the end of their third season.
- A three-season visa would also enable workers from Kiribati and Tuvalu to access publicly funded healthcare due to their eligibility for nine-month visas, which creates challenges of equity for other workers who can only access seven-month visas.
- Employers expressed a strong desire to maintain the flexibility to decline re-entry of workers who did not meet productivity expectations, even if they had been approved multi-season visas. If enabled, this undermines certainty for workers.

Expanded insurance could benefit workers but come at high costs

Workers are currently required to have health insurance for their time in New Zealand, and a common request from all stakeholders was to reduce these costs where possible, while expanding coverage to include key gaps, primarily preventive dental work. Initial costing work by NIB Orbit, who provides approximately 90 per cent of RSE medical insurance, indicates that adding dental coverage would increase costs from $861 per season to $2061, or $3561 if including wisdom teeth coverage. We do not consider the benefit of this expanded coverage to be worth the additional cost.

Conversations with the Ministry of Health are ongoing about the potential for RSE workers to access publicly funded healthcare. These conversations will be supported by ongoing work to better understand the costs of RSE workers (and other visa holders) on the health system.