


# The Paraplegic and Quadriplegic Association of SA Inc



## Working Visa Policy and Procedures

### STATEMENT

The Paraplegic and Quadriplegic Association of South Australia Incorporated (PQSA) has an obligation to ensure that all workers, both paid and unpaid, and who are not Australian Citizens or Permanent Residents of Australia, have a current and valid working visa.

Approved by: 	Date: May 2019
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**The Paraplegic and Quadriplegic Association of SA Inc. (PQSA) is incorporated under the *Association Incorporation Act 1985 (SA)* and conducts its business through operating Divisions, namely Lifestyle Support and HomeCare+.**

*Please note that printed copies are not able to be controlled and the Shared Drive should always be referred to for the most current version.*

## **SCOPE**

Compliance with this policy is a condition of appointment for all workers engaged to provide services on behalf of PQSA.

## **DEFINITIONS**

**Fortnight** – for the purpose of this policy is a period of fourteen (14) days commencing on the Monday of payroll week 1 and ending on the Sunday of payroll week 2.

**Legal Workers** – Australian permanent residents and New Zealand citizens who have unlimited permission to work in Australia or someone who holds a temporary visa with entitlements to work in Australia.

**Manager** – person who is charged with the management or direction of PQSA and its divisions.

**Non-Citizen** – for the purpose of this Policy is a person who is not a legal worker.

**Reasonable** – the appropriate standard or quality of objective decision-making that must be brought to bear when making an administrative decision.

**Visa** – permission for a non-citizen to travel to and enter Australia, remain in Australia, or both. The different types of visas available are each designed to suit a specific purpose, length of proposed stay and type of activity undertaken by a person. Visas can be divided into 2 broad groups:

- **Permanent or Migrant Visas** – which allow permanent residence in Australia
- **Temporary Visas** – which generally have a time limit on the period of stay in Australia

The Department of Home Affairs will provide a visa grant notification letter to each person granted a visa. This letter explains visa conditions, including visa period and travel entitlements.

*Migration Act 1958, section 29.*

**Visa Entitlement Verification Online (VEVO)** – a free online facility that allows visa holders and organisations to see details of current visa status.

**Worker** – a person who carries out work in any capacity for a person conducting a business or undertaking. This includes work as an employee, contractor or subcontractor; an employee of a contractor or sub-contractor; an employee of a labour hire company; an outworker; apprentice or trainee; a student gaining work experience or volunteer.

**Workplace** – a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.

## **RESPONSIBILITIES**

**Manager, Human Resources** is responsible for:

- advising Managers and Supervisors on issues related to visa conditions
- generating reports for PQSA pertaining to visa conditions and expiry dates
- meeting the requirement for a current working visa to be noted in forms and correspondence
- monitoring existing worker requirements for current working visas on a regular basis
- advising in writing the requirements of a current working visa for existing workers
- maintaining confidentiality and privacy at all times

**Manager / Supervisors and Nominees** are responsible for:

- consistent application of this policy
- ensuring workers do not exceed the specified working hours as communicated by the Human Resources Department
- removal of workers from shifts who do not have a valid working visa
- maintaining confidentiality and privacy at all times

**Prospective and Existing Workers** are responsible for:

- ensuring they have a valid working visa to work in Australia
- taking steps to apply for an extension and renewing visa prior to the expiry date
- presenting the original copy of the visa renewal to a member of the Human Resources Department for the purpose of updating PQSA's records
- ensuring any updates or amendments to their visa or working restrictions, including the refusal of application for visa extension are immediately communicated to the Human Resources Department

## **POLICY**

PQSA has a responsibility to only employ workers who comply with the requirements of Australian immigration laws. PQSA will take all reasonable steps to confirm a non-citizen is allowed to work and whether there are restrictions on the conditions of work. This includes paid and unpaid work.

### **Visa Entitlement Verification Online (VEVO)**

The Human Resources Department has specific login details for VEVO, which allows visa holders, employers, education providers and other organisations to check visa details and conditions.

VEVO may be used as evidence that PQSA has checked that an individual holds a current working visa.

### **Confidentiality**

Working visa information will be stored in secured personnel files. Regional areas of PQSA/HC+ must forward working visa, passport information and any other related information to the Human Resources Department.

## **PROCEDURES**

In order to confirm whether a prospective or existing worker is authorised to work in Australia without the need for a working visa, the worker will provide one of the following:

- an Australian or New Zealand passport
- another form of photo identification issued by an Australian Government agency; such as:
  - an Australian or New Zealand birth certificate
  - an Australian or New Zealand citizenship certificate
  - confirmation of electoral enrolment in Australia

PQSA will complete a VEVO check for any prospective worker who is required to hold a working visa (i.e. not a permanent resident or citizen of Australia or New Zealand) and will store appropriate documentation in a secured personnel file.

### **New workers who hold a working visa**

1. During the recruitment process (interview stage), the Human Resources Department will ask for original documentation confirming legal worker status.
2. If the worker produces documentation that confirms permanent residency or citizenship of Australia or New Zealand, a copy will be taken and stored securely in the personnel file.
3. If the worker has a working visa, the Human Resources Department will log into VEVO to confirm their visa status.
4. Updated VEVO record will be collated and stored with workers employment file.
5. At induction (administrative workers), or the successful completion of Pre-Employment Training (Support Workers), and receipt of all pre-requisite paperwork; the Human Resources Department will enter the workers into the Human Resources Information System (HRIS) and roster system (if applicable).

6. If applicable, the Human Resources Department will record the working visa expiry date on HRIS and the roster system. They will also set alerts two (2) months prior to expiry date.

#### **Existing workers who hold a working visa**

1. The Human Resources Department will run a visa expiry report every three (3) months.
2. Workers will be notified in writing two (2) months prior to visa expiry and they must provide evidence of extension of visa and/or any changes in restrictions.
3. The Human Resources Department will confirm visa status on VEVO and record will be collated and stored with workers employment file.
4. The new working visa expiry date (and any changes in conditions) will be entered into HRIS and if applicable, into the roster system.
5. The Human Resources Department will also set alert two (2) months prior to expiry date.
6. Workers who do not provide documentation of visa extension or changes will be withdrawn from all shifts as at visa expiry date to ensure there is no breach of Australian Immigration Laws.
7. The Human Resources Department will in writing notify appropriate PQSA staff members of workers removal from shifts; thereby ensuring adequate shift coverage.

#### **Student visa**

PQSA employs workers who hold student visas. The holder of a student visa is permitted to work a maximum of 40 hours per fortnight when their course is in session. They are permitted to work unlimited hours when their course is not in session, provided that their learning institution is able to certify their study break through a formal letter. However, workers who hold a working visa must have commenced their course before they are permitted to work.

#### **RELATED LEGISLATION**

- ◆ Australian Citizenship Act 2007
- ◆ Migration Act 1958
- ◆ Migration Regulations 1994

#### **SUPPORTING PQSA DOCUMENTATION**

- ◆ Confidentiality Policy
- ◆ Letter 1 – Visa Expiry Letter 1
- ◆ Letter 2 – Visa Expiry Letter 2
- ◆ Recruitment Paperwork - Application for Employment
- ◆ Recruitment Policy and Procedure
- ◆ Privacy Policy and Procedure
- ◆ Visa Procedure

#### **BREACHES OF THIS POLICY**

A **breach** of this policy is grounds for disciplinary action, up to and including termination of employment. Ignorance of these procedures will not generally be accepted as an excuse for non-compliance. Only in extreme circumstances and where such ignorance can be demonstrated to have occurred through no fault of the individual concerned will PQSA accept such an argument.

#### **DISTRIBUTION AND REVIEW**

PQSA will ensure all persons engaged to provide services either paid or unpaid will be aware of this policy and will have easy access to it in an appropriate format. All policies are to be reviewed on a periodic basis or when legislation or Government policy determines.