

The Paraplegic and Quadriplegic Association of SA Inc



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:

OCTOBER 2015

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 Support Services and HomeCare+.

SCOPE

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

DEFINITIONS

Fortnight - A fortnight means a period of fourteen (14) days commencing on Monday week 1 and ending on the second following Sunday, week 2.

Legal Workers - Are Australian citizens, Permanent Residents and people in Australia who hold a valid Visa which allows them to work in Australia.

Manager – A person who is charged with the management or direction of The Association and its Divisions.

Non-Citizen – For the purposes 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 Entitlement Verification Online (VEVO) – A free online service to check if non-citizens are allowed to work.

Worker – Is a person who carries out work in any capacity for a person conducting a business or undertaking, including 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 a volunteer.

Workplace – Is 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 ensuring –

- ◆ Provision of advice to Managers and Supervisors on issues related to Visa conditions.
- ◆ Generate reports for PQSA pertaining to Visa conditions and Expiry dates.
- ◆ The need for a current working Visa is included in all Application Forms and recruitment correspondence.
- ◆ Existing worker requirements for current working Visas are monitored on a regular basis.
- ◆ Existing workers are advised in writing of the requirements of a current working Visa.
- ◆ Confidentiality and privacy is maintained at all times.

Manager/Supervisors and Nominees are responsible for ensuring –

- ◆ Consistency of the application of this Policy.
- ◆ Workers who have a limitation of working hours per fortnight do not exceed the specified working hours as communicated by the Human Resource department.
- ◆ Removal of workers from shifts who do not have a valid working Visa.
- ◆ Confidentiality is maintained at all times.

Prospective and Existing Workers are responsible for –

- ◆ Ensuring they have a valid working Visa to work in Australia.
- ◆ Ensuring that when the Visa approaches expiry, reasonable steps are taken to apply for an extension of the Visa.
- ◆ Renewing their working Visas and providing the original to be sighted by a member of the Human Resource Department.
- ◆ Advising PQSA if the Visa will not be extended; therefore their removal from shifts will be required.

POLICY

PQSA has a responsibility to employ legal workers to ensure Australian immigration laws are not breached. PQSA will take all reasonable steps to confirm a non-citizen is allowed to work and whether there are any restrictions regarding the number of hours they are able to work, which includes both paid and unpaid work.

Australian citizens, New Zealand citizens and Australian permanent residents are legal workers and have unlimited permission to work in Australia.

Visa Entitlement Verification Online (VEVO)

The Human Resource Department has specific login details for VEVO and will use this service to view information regarding the type of Visa the individual holds, when the Visa was granted, when it will expire and if the individual is allowed to work or if there are any conditions that may have been placed on the Visa that will limit their capacity to work.

VEVO will be used as evidence that PQSA has taken reasonable steps to check that an individual holds a current working Visa and is allowed to work in Australia.

Confidentiality

Visa information will be filed on personnel files in a secure area under the direct control of the Manager, Human Resources. Regional sites must forward any Visa or passport information to the Human Resource Department along with all other relevant employment information.

PROCEDURES

Student Visa

PQSA employs a number of individuals who have Student Visas. A worker employed with a Student Visa has very strict working restrictions that need to be adhered to. A worker who has a Student Visa is restricted to only work a maximum of forty (40) hours per fortnight whilst a course of approved study is in session.

To confirm whether a prospective or existing worker is authorised to work in Australia, PQSA will:

- ◆ Sight an Australian or New Zealand passport.
- ◆ Sight a passport and Visa label issued by the government of another country.
- ◆ Use the information which is displayed on the passport, to undertake a VEVO check to confirm that the worker is a permanent resident and holds a visa which has work rights within Australia.
- ◆ Sight another form of photo identification issued by an Australian Government agency e.g. drivers licence; and
 - ◆ An Australian or New Zealand Birth certificate or
 - ◆ An Australian or New Zealand citizenship certificate or
 - ◆ Confirmation of enrolment to vote in Australian state or federal elections.

PQSA will keep copies of all sighted documents on the workers personnel file.

New Workers and volunteers who are not Australian Citizens or Permanent Residents

1. During the recruitment process, at interview stage, the Human Resource Department will sight original documentation confirming legal worker status and take copy to keep with recruitment paperwork ensuring Application for Employment is completed with this information.
2. Human Resource Department will log into VEVO and confirm an individual's Visa status.
3. VEVO record will be printed and placed with Visa and recruitment paperwork.
4. At induction (administrative workers), or the successful completion of Pre-Employment Training (Support Workers), and receipt of all pre-requisite paperwork; Human Resource Department to enter worker into HRIS and the Roster System.

5. Visa expiry date information from VEVO will be entered into HRIS and the Roster System and the Human Resource Department will diarise to review two (2) months prior to expiry.

Existing Workers and volunteers who are not Australian Citizens or Permanent Residents

1. Human Resource Department to run Visa expiry report every three (3) months.
2. Letter to be sent to workers notifying of Visa expiry two (2) months prior to expiry - worker to be requested to provide original documentation to reflect extension of Visa and change in Visa restrictions; to be copied by a member of PQSA.
3. Upon receipt of the letter when applicable, workers are to provide original Visa to be sighted by a member of PQSA; copy is to be taken by a member of the Human Resource Department.
4. Human Resource Department will confirm Visa status on VEVO and record will be printed and placed on employee personnel file.
5. Information from VEVO (Visa expiry date) will be entered into HRIS and the Roster System.
6. Human Resource Department will diarise to review two (2) months prior to expiry and appropriate letters will be sent to worker – refer Visa HR Procedures.
7. Worker's who do not provide a documentation of Visa extension or changes, will be withdrawn from shifts as at Visa expiry date to ensure not in breach of Australian Immigration Laws.

RELATED LEGISLATION

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

SUPPORTING PQSA DOCUMENTATION

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