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## 90-day trial periods for AEWV holders

**This alert discusses the recent 90-day trial period announcement from the government, and how this applies to migrant workers on an Accredited Employer Work Visa (AEWV).**

### 90-day trial periods

A 90-day trial period can be used by employers to determine whether a new employee is suitable for a role. If an employee is employed under a 90-day trial period, and is dismissed during that period, they cannot bring a legal claim against the employer in relation to their dismissal.

Currently, only employers with 19 or fewer employees can rely on 90-trial periods.

However, this is set to change under the new government, who will allow all employers to use 90-day trial periods for new employees.

### How does this apply to work visa holders?

**A different rule exists for employers hiring people on an AEWV.** Under immigration rules, employers cannot use a 90-day trial period when hiring people on an AEWV. This commitment is made by employers submitting Job Check or Accreditation applications.

*(Note: this rule **does not** affect applications based on already-approved Job Checks, or migrants who already hold, or have applied for, an AEWV based on a job check approved **before** 29 October 2023.)*

### Our advice

If you regularly recruit workers under the AEWV scheme it may be helpful to have two sets of employment agreement templates: one for migrant workers and one for New Zealand citizens or residents.

### Want to know more?

If you have any questions about the case or the topics discussed in this article, please contact our specialist **Employment Team**.