

09 April 2020

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Tēnā koe Valerie

Your Official Information Act request, reference: GOV-003888

Thank you for your email of 20 February 2020, asking for the following information under the Official Information Act 1982 (the Act):

- 1) *When was the ACC Partnership Programme (ACPP) introduced ?*
- 2) *How has the reported incidence of Occupational Overuse Syndrome (OOS) been affected each year since the introduction of ACPP? Official statistics please.*
- 3) *How many reports of OOS to ACC each year in the 5 years prior to the introduction of ACPP? Official statistics please.*
- 4) *How many private companies/organisations/industries have joined with ACC each year since introduction of ACPP.? Stats ?*
- 5 a) *Are any of the above Multi-national corporations/companies?*
b) *How many ?*
- 6) *What types of companies/organisations/industries are they? E.g Cleaners? Tech.?private hospital workers?*
- 7) *Currently (2019-2020) what is the prevalence of OOS in NZ?*
- 8) *If compensation is awarded, what is the average time/period of compensation/ payment for OOS treatment since introduction of ACPP?*
- 9) *Does this average time period of treatment or average amount of monetary compensation compare with the period and/or monetary compensation awarded in the 5 years prior to ACPP?*
- 10) *How many claims each year for compensation for OOS have come before the Courts since introduction of ACPP?*
- 11) *Is there any permission or evidence for Unions' (e.g. E tu) intervention or participation in claims made to private companies/etc for OOS.?*
- 12) *Who/which (govt organisation) is responsible for the annual auditing of ACPP companies?*
- 13) *Is this audit monetary only or is there also utilisation of medical/treatment criteria? (Ref; 8, 9, 10 above)*
- 14) *Have there been any reductions or restrictions made to the waived 90% tax levy to companies/etc as penalties for failure to appropriately manage claims/compensation?*

On 28 February 2020, ACC emailed you to refine your request. The same day, you confirmed the following:

Please send to me the information relating to my previous request dating back to 2010 as indicated in your response.

For ease of reference, we have grouped questions two, three, seven, eight and nine together in our response.

Question 1 - When was the ACC Partnership Programme (ACPP) introduced?

The ACC Partnership Programme, now known as the Accredited Employer Programme (AEP), was introduced on 1 July 2000.

Question 4 - How many private companies/organisations/industries have joined with ACC each year since introduction of ACCPP?

Table 1 below provides a count of total AEP contracts held with ACC, dating back to March 2010. Each AEP contract covers a group of employers (also known as legal entities). The Accredited Employer Framework allows employers to enter the AEP as a “group”. Groups can be comprised of employers that are subsidiaries of the same holding company. The AEP contract is recorded at a group level rather than an individual subsidiary company level. As such, information is provided at group level.

The data in Table 1 has been extracted by ACC levy year (1 April to 31 March). The Total AEP contracts are a count of the total number of AEP contracts in each year. The New AEP contracts are a count of AEP contracts that started in each year.

Table 1. Count of AEP contracts year ending 31 March

Date	Total AEP contracts	New AEP contracts
2010	136	0
2011	134	4
2012	148	14
2013	140	2
2014	138	1
2015	140	2
2016	137	1
2017	139	2
2018	141	7
2019	138	2
2020	141	5

Question 5 - Are any of the above Multi-national corporations/companies? How many?

ACC is unable to advise how many of the above contracts are for multinational corporations/companies as ACC does not hold information to this level of detail about participating AEP employers. ACC does not require this information because it is not relevant to determine whether an employer is eligible to join the AEP programme. Therefore, we are declining this part of your request under section 18(g) of the Act.

Question 6 - What types of companies/organisations/industries are they? E.g Cleaners? Tech? private hospital workers?

For question 6, please refer to the data attached. The data provided is a list of all the Classification Units (CU) and CU descriptions, that are included in at least one AEP contract, in the given year.

Please note that each AEP contract covers multiple companies and each company can have a different CU. Likewise, multiple companies under the same AEP contract may have the same CU.

Classification Units

Every business and self-employed individual is assigned an ACC CU based on their business industry classification code (BIC). A BIC code is chosen when a business registers for GST.

ACC groups similar businesses and self-employed individuals this way to make sure that levies are fair, and to ensure that the costs of claims are shared fairly among the industries responsible for those costs.

Question 10 - How many claims each year for compensation for OOS have come before the Courts since introduction of ACCPP?

ACC records the outcome of accident compensation appeals decided in the District Court by issue rather than by injury. Furthermore, the term Occupational Overuse Syndrome (OOS) is not a recognised clinical diagnosis.

Due to the above, ACC has no way of identifying whether a Court decision was in relation to an OOS claim without manually reading through each individual relevant file, dating back to 2010 (of which there are hundreds). Therefore, we are declining this part of your request under section 18(f) of the Act.

Please note that all appeal decisions (District Court, High Court and Court of Appeal) are publicly available, either through the Ministry of Justice here www.justice.govt.nz/tribunals/accident-compensation/decisions/ or the Otago University link provided on the ACC website here www.acc.co.nz.

Question 11 - Is there any permission or evidence for Unions' (e.g. E tu) intervention or participation in claims made to private companies/etc for OOS?

Employers in AEP must give unions and employee representatives opportunities to be involved in health and safety, injury and claims management. This is mandated by the legislation, framework, audit standards, contract and application form declarations.

Question 12 - Who/which (govt organisation) is responsible for the annual auditing of ACCPP companies?

ACC is responsible for the annual audit of accredited employers.

Question 13 - Is this audit monetary only or is there also utilisation of medical/treatment criteria?

The annual audit provides a snapshot of the ability for an organisation to meet the requirements of AEP. It is the ongoing responsibility of the employer to monitor and evaluate injury prevention and injury management performance in the workplace, to ensure that the minimum entry-level audit standards are maintained. The audit does not review the cost of claims or period of weekly compensation.

The audit standard is publicly available here: www.acc.co.nz/assets/business/acc440-aep-audit.pdf. Page 2, *What the audit standards do*, provides further information about the purpose of the audit standards.

Question 14 - Have there been any reductions or restrictions made to the waived 90% tax levy to companies/etc as penalties for failure to appropriately manage claims/compensation?

In return for taking on the financial risk, an employer could potentially have their ACC levy reduced by *up to 90%*. Acceptance into the AEP does not automatically guarantee the full 90% levy reduction. Employers who meet the eligibility criteria for being in the AEP receive a levy reduction based on their classification unit.

Up until 1 July 2019, employers in the AEP were entitled to a safety management discount based on their level of achievement, i.e. whether they were at primary, secondary or tertiary level.

In situations where ACC determines that the accredited employer no longer meets the eligibility criteria to continue in AEP, ACC has terminated the accredited employer contract.

Questions 2, 3, 7, 8, and 9

2. *How has the reported incidence of Occupational Overuse Syndrome (OOS) been affected each year since the introduction of ACCPP? Official statistics please.*
3. *How many reports of OOS to ACC each year in the 5 years prior to the introduction of ACCPP? Official statistics please.*
7. *Currently (2019-2020) what is the prevalence of OOS in NZ?*
8. *If compensation is awarded, what is the average time/period of compensation/ payment for OOS treatment since introduction of ACCPP?*
9. *Does this average time period of treatment or average amount of monetary compensation compare with the period and/or monetary compensation awarded in the 5 years prior to ACCPP?*

As per your email of 28 February 2020, we are only providing you with statistics related to OOS claims from 2010 onwards. As such, we are not providing data relevant to questions three and nine of your request, as these are asking for data in the five years prior to the introduction of the AEP.

Notes about the data provided

Table 2 provides the data relevant to the remainder of your questions regarding OOS statistics, from 2010 onwards. The data has been extracted for all work-related claims, lodged through an accredited employer, between 2010 and 2020 where the injury is defined as OOS. The data was extracted on 11 March 2020 and may differ if re-run at a later date.

New claims

New claims are counted by the date they are lodged with ACC. This may be immediately after an injury or at a later date.

Defining OOS

For the purposes of responding to this request, we have defined "OOS" as any accepted claim where:

- the fund account is the work account, or the claim is recorded as *work-related*; and
- the accident scene is: farm; industrial place; commercial or service location; and
- the injury site is: head; back; finger/thumb; hand/wrist; elbow; upper arm; shoulder; chest; knee; ankle; foot; back or in multiple locations; and
- the injury diagnosis is Gradual Onset (not disease/infection).

As there is no diagnosis that covers all and only occupational overuse syndrome, it is likely that the some OOS claims may be missed and some non-OOS related claims are included in the data. As such, the data provided should only be considered indicative of the total number of OOS claims that have been lodged through an accredited employer in the period covered by this response.

Table 2. New occupational overuse syndrome claims lodged through an accredited employer from 1 January 2010 and 29 February 2020, by calendar year.

Year	Claims
2010	574
2011	423
2012	430
2013	419
2014	359
2015	403

2016	287
2017	284
2018	283
2019	280
2020*	37
Total	3,779

*2020 is as at 29 February 2020

Average weekly compensation

The average weekly compensation for claims in Table 2 is 88 days.

The average weekly compensation includes all OOS identified claims that received at least one payment of weekly compensation. OOS claims currently receiving weekly compensation have been included, so the average weekly compensation calculation will be the number of days up to the most recent payment. As the average will include claims that will continue to receive weekly compensation into the future, the figure provided should only be considered indicative.

How to contact us

If you have any questions, you can email me at GovernmentServices@acc.co.nz.

If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Nāku iti noa, nā



Sasha Wood

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