



PSA Submission Proposed Changes to ACC's Accredited Employers Programme

**Ministry of Business Innovation and
Employment**

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About the PSA

The New Zealand Public Service Association Te Pūkenga Here Tikanga Mahi (the PSA) is the largest trade union in New Zealand with over 80,000 members. People join the PSA to negotiate their terms of employment collectively, to have a voice within their workplace, and to have an independent public voice on the quality of public and community services and how they're delivered.

We are a democratic and Te Tiriti O Waitangi responsive union representing people working in the public service (including departments, crown agents, other crown entities, and state-owned enterprises); local government; tertiary education institutions; and non-governmental organisations working in the health, social services and community sectors.

Te Rūnanga o Ngā Toa Āwhina represents and promotes the interests of our Māori members and are committed to honouring Te Tiriti o Waitangi across the public sector and inside the union. Our structures ensure a Māori perspective is heard in all levels of our organisation. The PSA is affiliated to Te Kauae Kaimahi the New Zealand Council of Trade Unions, Public Services International and UniGlobal.

PSA position on Accredited Employer Programme

The current consultation on the Accredited Employer Programme (AEP) is limited to specific changes and has not involved wider assessment of the programme as a whole. The premise of the AEP is that AE 'may be able to provide a better and more efficient experience for injured workers than ACC'. Our experience representing our members is that AE do not provide better and more efficient experiences for claimants. ACC's own assessment of the AEP stated: "We learnt that the programme is not delivering consistent and positive outcomes for those injured at work. We found low employee satisfaction with the injury/claims/rehabilitation management process compared to non-work claims." The PSA experience is that if a claimant has claims with both an AEP and ACC simultaneously, their experience is even worse. If the AEP is not delivering a better experience for those injured at work, then it should be abolished.

The PSA calls for a more fundamental evaluation of the AEP and it should only continue if there is compelling evidence that the AEP is providing a better and more efficient experience for claimants.

PSA feedback on individual proposals

The PSA endorses the submission of the New Zealand Council of Trade Unions and their detailed feedback. We have some comments on individual proposals, but also want to make two key points about the proposals overall.

1. We do not think that these proposals will effectively meet the key objective of putting worker wellbeing at the centre of AEP.
2. Any changes to the AEP will have implications for the ACC workforce and these changes must be supported and funded, rather than added to existing workloads.

Proposal 1: Implement new health and safety assessment requirements

We support the requirement that AE participate with Worksafe's SafePlus onsite assessment and advisory service and maintain 'Performing'. SafePlus has strong requirements for worker engagement participation and representation (WEPR).

We do not support AE having the option to be certified ISO45001 as an alternative to SafePlus. ISO45001 is not a measure of effective worker participation, engagement and representation. ISO45001 focuses on 'consultation' – a much lower standard. Given that the WEPR provisions of the HSWA are very prescriptive about how and when WEPR is required, there is a significant risk that an AE may be certified under ISO45001, even though they do not meet their legal obligations under the Health and Safety at Work Act. Moreover, an assessment/audit against ISO45001 does not necessarily involve the workers in the workplace, in the same way that a SafePlus assessment does. Evidence is clear that PCBU's/organisations consider their health and safety performance (and particularly in regard to WEPR) to be significantly better than workers consider it to be. ISO45001 does not necessarily capture and test both views.

Proposal 2: Strengthen the assessment of Claims and Injury Management

We support strengthening the assessment of Claims and Injury Management, but we think the current proposals are inadequate. They focus on capturing workers experience, rather than genuine WEPR and there is a lack of clarity about information provided to workers and unions. Any strengthening of the assessment of Claims and Injury Management, needs to require WEPR, union involvement and the provision of information to workers and their unions. This is important as unless an individual worker has experienced both ACC and AEP claims management, they will find it difficult to truly rate or give feedback on their experience. The PSA experience is that AE who administer their programme through a TPA provide consistently worse outcomes and service to claimants. Where a union supports its injured workers through these processes, they are able to see and track trends across AE. Unions should therefore be involved in the on-going assessment of claims and injury management.

Proposal 3: Performance Monitoring

We support tailored performance monitoring as long as the information is available to workers and unions. The standards of performance need to be raised and we support the CTU's call in their submission that AEs need to show better performance than ACC to justify remaining in the AE programme.

For further information about this submission, please contact:

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