

Submission template

A New Zealand Income Insurance Scheme

This is the submission template for the discussion document, *A New Zealand Income Insurance Scheme*.

The Ministry of Business, Innovation and Employment (MBIE), on behalf of the Government, Business New Zealand and the New Zealand Council of Trade Unions, seeks your written submission on the matters raised in the discussion document by **5pm on 26 April 2022**.

Your submission could be made public

The information provided in submissions will be used to inform policy development on the proposed income insurance scheme, including how it could be improved and how it could affect different groups. We may contact submitters directly if we require clarification of any matters in submissions.

The *Privacy Act 2020* applies to submissions and responses. Any personal information you supply to MBIE in making a submission will only be used for the purpose of assisting in the development of policy advice as part of this review. When businesses or organisations make a submission, we will consider that you have consented to the content being included in any summary of submissions unless you clearly state otherwise. If your submission contains any information that is confidential or that you do not want published, you can say this in your submission. Please clearly indicate in your cover letter or email with your submission if you do not wish your name, or any other personal information, to be included in any summary of submissions that may be published.

Submissions and responses may be subject to requests for information under the *Official Information Act 1982*. Please clearly indicate in your cover letter or email with your submission if you have any objection to the release of any information in your submission, and which parts you consider should be withheld, together with the reasons for withholding the information. Your views will be taken into account when responding to requests under the *Official Information Act 1982*. Any decision to withhold information requested under the *Official Information Act 1982* can be reviewed by the Ombudsman.

How to make a submission

Please send your written submission on the options and questions in this consultation document by **5pm on 26 April 2022**. You can make your submission (preferably using this submission template) as follows:

1. Include your name, the name of your organisation (if applicable), and contact details. We may contact submitters directly if we require clarification of any matters in submissions.
2. Your submission may respond to any or all of the questions in the consultation paper. Where possible, please include information or evidence to support your views. We also encourage your input on any other relevant aspects of the income insurance scheme in the “Other comments” section.
3. Sending your submission:
 - a. Attach as a Microsoft Word document or searchable PDF and email to:

incomeinsurance@mbie.govt.nz (preferred), or

b. Mail your submission to:

Social Unemployment Insurance Tripartite Working Group
Ministry of Business, Innovation and Employment
PO Box 1473
Wellington 6145

If you have any questions on the submissions process, please contact incomeinsurance@mbie.govt.nz.

Submission on A New Zealand Income Insurance Scheme

Your name and organisation

Name	Judy Currie
Organisation (if applicable)	New Zealand Occupational Health Nurses Association
Contact details	Privacy of natural persons

Responses to consultation document questions

Chapter 4 – How a new income insurance scheme could achieve our objectives (Pg 30-48)

The Forum considers the benefits of income insurance for job loss due to displacement or health conditions would outweigh its costs.

1 *Do you agree New Zealand should introduce an income insurance scheme for displacement and loss of work due to health conditions or disabilities?*

Yes for health conditions but not for loss of income.

Chapter 5 – Honouring Te Tiriti o Waitangi (Pg 49-51)

Kawanatanga – Good governance and partnership

2 *How can we ensure the proposed income insurance scheme honours Te Tiriti o Waitangi?*

This will need collaboration and consultation and co design this is currently not obvious

3 *What are the opportunities for partnership and Māori representation in the proposed income insurance scheme's governance and operations?*

No Comment

4 *How can we ensure equity of access, participation, and outcomes for Māori in the proposed income insurance scheme?*

No Comment

5 *How can we reflect and embed te ao Māori in the proposed income insurance scheme's design?*

No Comment

Chapter 6 – Coverage for displaced workers (Pg 53-72)

Displacement and standard employment (full- and part-time permanent employees)

6 *Do you agree with defining displacement as the involuntary loss of work due to the disestablishment of a job?*

This could be debated and may lead to employment issues. As most people with homes have their own insurance this is a double cost

7 *Do you agree with excluding poor performance and gross misconduct as reasons for claiming insurance?*

Think this insurance should not be for this reason

8 *Do you agree with excluding resignation as a reason for claiming insurance?*

No

Coverage provided for complete job loss only

9 *Do you agree that income insurance should cover only the complete loss of a job, and cover situations where a person loses only one of several jobs that they hold?*

Strongly Disagree with insurance for these purposes

10 *Do you agree that insurance would be payable only where income loss was greater than a minimum threshold, such as a 20 percent loss of total earnings, counting income from all of their jobs?*

Strongly Disagree with insurance for these purposes

Displacement and non-standard employment – a principle-based approach

11 *Do you agree that it is important to provide income insurance coverage to non-standard workers, where practical?*

Strongly Disagree with insurance for these purposes

12 *Do you agree that income insurance should cover the 'loss of reasonably anticipated income'?*

Strongly Disagree with insurance for these purposes

13

Do you agree that income insurance entitlements should be based on an 'established pattern of work'?

Strongly Disagree with insurance for these purposes

Coverage provided for fixed-term and seasonal employees

14

Do you agree that income insurance should cover fixed-term and seasonal employees if they are displaced before the end of an employment agreement, with the duration of the payment running to the scheduled end of the employment agreement, or the maximum insurance entitlement duration, whichever is shorter?

Very Strongly Disagree with insurance for these purposes

15

Do you agree that income insurance should cover fixed-term and seasonal employees, where their employment agreements are not renewed, and they can show a regular pattern of work and reasonable expectation of future income?

Very Strongly Disagree with insurance for these purposes

Coverage provided for casual employees

16

Do you agree that income insurance should cover casual employees who can show a regular pattern of work with an employer and a reasonable expectation of future income?

Very Strongly Disagree with insurance for these purposes

17

How would these design choices work in practice? What risks can you see with the approach to establishing a regular pattern of work?

Very Strongly Disagree with insurance for these purposes

Coverage for self-employed workers

18 *What risks do you see with covering, or not covering, people in self-employment?*

19 *Are there some groups of self-employed who should and should not be covered?*

This yet another cost or tax no to this

20 *How can we practically distinguish between contractors who resemble employees, and those with a high degree of independence?*

This has so many questions and difficulties

21 *Because a self-employed person cannot technically be made redundant, what types of events would be appropriate 'triggers' for insurance payments?*

Do not agree

22 *How do you think the levy should be collected from self-employed workers?*

No

A modest minimum contribution period

23 *Do you agree with the proposed minimum contribution period of six months over a period of 18 months preceding the claim?*

No

Limits on subsequent claims

24 *Do you agree limits should be placed on the number claims people can make?*

Yes if its going ahead but do not agree with this part of the scheme

25 *Do you agree with limiting claims to a total of six months within an 18-month period?*

There should be a limit if going ahead of 6 months just to get someone back on their feet again

There are huge risks with this idea and I do not see it as business friendly or assisting business in any way it looks to be shifting the burden on the benefit system to user pays. This does not look like a way forward.

Coverage for New Zealand citizens and residents

27 Do you agree with limiting coverage of the proposed income insurance scheme to New Zealand citizens and residents?

Yes

28 To ensure New Zealand workers are not disadvantaged by lower cost international workers, do you agree that working holiday makers, international students and temporary work visa holders – and their employers – should contribute to the proposed income insurance scheme's costs?

These should not be covered or contribute

Chapter 7 – Entitlements for displaced workers (Pg 73-95)

Income caps and income replacement rates that match the accident compensation scheme

29 Do you agree with a replacement rate set at 80 percent?

Yes if to go ahead

30 Do you agree with a cap on insurable (and leviable) income set at the same rate as the accident compensation scheme (currently \$130,911)?

Yes if to go ahead

Only personal exertion income would abate (reduce) insurance entitlements

31 Do you agree that only the insurance claimant's personal exertion income should affect their insurance entitlements?

No Comment

32 Do you agree that income insurance should have individualised entitlement, meaning a partner's income would not affect the rate payable?

No Comment

Abatement rates would ensure a claimant is not financially better off as a result of their loss of work

33 Do you agree that someone should be able to earn some income from paid employment before it affects their entitlements to income insurance?

Yes but this becomes complex

34

Do you agree that insurance should abate 'dollar for dollar' when earned income and insurance combined reach 100 percent of previous income?

No comment

Insurance would generally be treated as income, to determine eligibility for welfare and student support

35

Do you agree that insurance should be treated as income for assessing eligibility for income support such as main benefits and Working for Families tax credits and student support?

Yes

36

Given the purpose of the In-Work Tax Credit and Minimum Family Tax Credit in encouraging people into employment and helping with in-work costs, do you agree that income insurance claimants would not be eligible for these tax credits?

Yes

Insurance claimants could also receive New Zealand Superannuation or the Veteran's Pension

37

Do you agree that income insurance claimants could also receive New Zealand Superannuation or the Veteran's Pension?

Yes but this becomes complex

38

Do you think a limit should be placed on the amount of time someone can receive New Zealand Superannuation or the Veteran's pension and income insurance?

Yes but this becomes complex

Where eligible, insurance claimants could choose whether to access Paid Parental Leave or income insurance and may receive both sequentially

39

Do you agree that income insurance and Paid Parental Leave could be accessed sequentially but not at the same time?

No Comment as complex

Insurance claimants could also receive ACC weekly compensation where it covers a different income loss

40 *Do you agree that claimants should be able receive both ACC weekly compensation and income insurance at the same time for differing income loss subject to independently meeting the eligibility criteria for both?*

Should not get both this would lead

A sufficient base entitlement period

41 *Do you agree with a base insurance entitlement length of six months, plus a four-week bridging payment paid by the employer?*

No Comment

42 *Would you support a longer or shorter length of base insurance entitlement?*

No Comment

Extending the maximum period in specified circumstances

43 *Do you think the scheme should allow extensions to the base period of income insurance entitlements for training or vocational rehabilitation?*

After 6 months if a plan can be progressed then extend for a maximum of 12 months.

Enhancing the income insurance scheme with notice periods

44 *Do you agree that employers should give at least four weeks' notice to employees, and the insurer, before redundancy takes effect?*

This is often difficult in small business

Avoiding unnecessary redundancies

45 *Do you agree that employers should pay former workers for the initial period of unemployment for four weeks?*

No

46 *Should bridging payments be applied to all workers, including those not eligible for income insurance?*

No

47 *Should the income insurance scheme finance bridging payments in circumstances where the payments are not forthcoming from employers, and refund employers for bridging payments if workers find work within this period?*

No

48 *Do you consider that stronger integrity measures are necessary to manage the risk of spurious claims to the income insurance scheme?*

This scheme seems to just be a cost to employer and more complication in employing people so would become a disincentive to employment.

Chapter 8 – Coverage and entitlements for loss of work due to health conditions or disabilities (Pg 96-112)

No restrictions on the types of conditions covered by the income insurance scheme

49 *Do you agree there should be no restrictions on the types of conditions covered by the scheme?*

There should be restriction as we see a lot of health conditions that have difficult diagnosis that go on for a long period.

This should cover the 6-month major illness with a return plan in the next 6 months so people can get back to work.

No restrictions on the working arrangements covered by the scheme

50 *Do you agree that all work arrangements should be covered (assuming other eligibility criteria are met)?*

This is going to be difficult with injury this is difficult and not well managed currently causing difficulty for some employment situations

Coverage for loss of at least 50 percent of capacity to work, for at least four weeks

51 *Should the scheme cover partial loss of earnings due to a health condition or disability reducing work capacity?*

Yes for a short period so people can recover and not be stressed due to no income

52 *If partial loss is to be covered, do you agree claimants should have at least a 50 percent reduction of capacity to work caused by a health condition or disability and that reduction is expected to last for at least four working weeks?*

If partial then there should be a plan in place to support this

Claimants' medical practitioners would assess work capacity, with final eligibility assessed by the scheme administrator

53 *Do you agree that the claimants' health practitioner should be main the assessor of work capacity?*

The pass issues have been the health practitioner will advocate for the person and for what they want leaving this open to being abused.

54 *Do you agree that, where appropriate, employers could provide supporting information to inform the claimant's work capacity assessment process?*

Yes but does the health practitioner have time to assess this or take this into consideration. It is difficult in the case of injury and would be worse for illness especially in complex cases with multiple diagnosis including mental health, addictions etc.

Employers would remain responsible for taking reasonable steps to support an employee to continue working

55 *Are the current requirements on employers to make workplace changes sufficient to allow health condition and disability claimants to return to their regular employment (or alternative work)?*

Currently there are no requirements and often the initial time off is too long for employers to keep a person employed a job cannot be held open for 3-6 months and accommodations often seen as too hard. Some wonderful employers do amazing things for employees but these are not the norm unfortunately

56 *How could employers be supported to help workers with health conditions or disabilities to remain in or return to work?*

Setting up really good stay at work plans or return to work plans with the employer so he person can work within their capacity works incredibly well. These need to be managed by Occupational health specialists who understand the workplace setting and who have the skills to facilitate good outcomes. We currently do not see this with ACC where people are lost ,not contacted, employers are frustrated and no one knows what is happening.

Employers would be expected to make reasonable efforts to keep a job open where a return to work within six months is likely

57 *Where an employee must stop work entirely because of a health condition or disability, do you think employers should be expected to keep a job open and help with vocational rehabilitation where a reasonable prognosis is made of return to work within six months?*

This seems reasonable with a conversation about the plan starting at the 2-3 month point as we are aware that once some one is off for even a month their likely hood of returning diminishes very quickly

58 *Should this be a statutory requirement placed on employers or an expectation?*

It would depend on the condition and history so expectation would be more likely to get a working together scenario going.

The scheme would generally meet the full cost of income replacement once a claim is accepted

59 *Do you agree that employers should only pay a bridging payment to employees leaving work because of a health condition or disability when the employment is terminated by the employer?*

This needs future thought

Chapter 9 – Insurance claimants’ obligations (Pg 113-120)

Reasonable obligations for people receiving income insurance payments

60 *Do you agree claimants should be obligated to look for work or prepare to return to work while receiving insurance?*

Absolutely support this concept

61 *Do you agree that claimants would not be expected or required to accept offers of employment that provide lower wages or conditions?*

This may depend as sometimes people want to stay employed but reduce stress by stepping down from a higher paying job. Sometimes part time suits a person, so it needs to be open rather than mandated.

62 *Do you agree the insurer could waive obligations partially or fully where a claimant is unable to meet those obligations?*

Again thought and discussion required

63 *Do you agree claimants should be obligated to remain in New Zealand to remain eligible for income insurance?*

Absolutely yes this could have major consequences especially as we rely on a high amount of overseas labour e.g seasonal

64

Do you think a period of time, such as 28 days, should be allowed for travel overseas, for example, to support ill family?

This would seem reasonable

Specific obligations for claimants with a health condition or disability

65

Should claimants with health conditions or disabilities be subject to obligations to participate in rehabilitative programmes and other support, where appropriate?

We agree this should be required to assist everyone.

66

Should claimants with health conditions and disabilities be subject to obligations to search for work or undertaking training where they are able to?

Yes as people return to health when in employment this could set the scene for future of long term unemployed

Consequences for non-compliance

67

Do you think financial penalties should be in place for people who do not meet their obligations while receiving insurance payments?

68

Do you agree that payments could be fully suspended in cases of serious, intentional non-compliance with obligations?

69

Do you think any other consequences should be in place for people repeatedly not meeting their obligations, such as permanent suspension of entitlements?

Chapter 10 – Delivering income insurance (Pg 121-134)

Independent and effective delivery

70 *Do you think it is best for ACC to deliver the income insurance scheme alongside the accident compensation scheme?*

Absolutely disagree with this concept as injuries now poorly managed from all points of view employee and employer.

71 *Would the income insurance scheme be better delivered by a government department or a new entity?*

New Entity and this should be multi-disciplinary including Occupational Medicine, NZOHNA, Occupational Physiotherapists, Occupational Therapists and Psychologists these people know and understand the field.

Accountable and effective governance

72 *How could employer and worker perspectives best be incorporated to strengthen the income insurance scheme's delivery for New Zealanders?*

No comment

73 *How could Māori perspectives best be incorporated to ensure the income insurance scheme is delivered equitably and with aspiration?*

No comment

Displaced workers: Getting back to good jobs

74 *What practical support should be available to insurance claimants to return to work?*

Yes

75 *Who should provide that return-to-work support?*

New entity

76 *What type of claimants would need an employment case manager, and who could self-manage?*

Very few can self-manage as we know health professionals struggled to self-manage through ACC

77 *What do you think a 'return-to-work plan' should include?*

Needs case management goals that are time bound and includes agreement by all parties. This is complex and very time consuming but works

Health condition and disability claimants: Getting back to good jobs

78 *What practical support should be available to income insurance claimants with a health condition or disability to return to work?*

Both mental and physical health support also whanua support to understand the process

79 *Who should provide that support to return to work?*

New Entity

80 *What type of claimants would need a case manager, and who could self-manage?*

Very few can self-manage as we know health professionals struggled to self-manage through ACC

Dispute resolution

81 *Do you agree with the proposed four-step dispute resolution process for the scheme?*

Yes

82 *Are there specific aspects to the scheme's dispute resolution you think should be considered?*

No Comment

Scheme integrity and enforcement

83 *Do you agree with the proposal to establish an effective offences and penalties framework to protect the scheme's integrity?*

No time to comment

Information collection and sharing

84 *Do you agree with the proposal to develop information sharing agreements and sharing arrangements with employers, other agencies and service providers?*



Chapter 11 – Funding income insurance (Pg 135-144)

Most funding would come from compulsory levy payments on income

85 *Do you agree the income insurance scheme should be funded from compulsory levies on the income that is insured, rather than from general taxation?*

This will cause real impact on employers especially those who are now on the edge due too 2 years of compulsory requirements

Levy payments would be shared by employers and workers

86 *Do you agree that levy contributions should be equally split between the employee and employer?*

Unsure

87 *Do you agree that levies for health conditions and disabilities and for redundancy should be set separately?*

Yes as different issues

Both the employee and employer would be charged at a flat rate

88 *Do you agree that employees should be levied at a flat rate on income below \$130,911?*

No time to comment

89 *Do you have any other suggestions for how the employee levy should be structured?*

No time to comment

90 *Do you agree that experience rating would not be an appropriate design setting for the employer levy?*

No time to comment

Levies would adjust smoothly over time, with independent fund management

91 *Do you agree that an independent fund with a stable levy-setting system should be established to finance the income insurance scheme?*

92 *Do you favour a Pay As You Go or Save As You Go funding approach?*

No time to comment

Building in scheme adaptability, while protecting levy sustainability

93 *Do you agree that the legislation for the income insurance scheme should provide the flexibility to vary entitlements and eligibility in times of crisis, over and above the proposed income insurance scheme?*

No time to comment

94 *Does such flexibility create risks that require additional mitigations?*

No time to comment

Other comments

We did not have sufficient time to consult so we have some comments about areas of concern raised.

We know the current ACC system does not look after employer or employee so they would not be the way forward but ANZSOM do have ways of moving forward which could be investigated.