



12 July 2022

J Buckingham
fyi-request-19684-d3f44f4e@requests.fyi.org.nz

Kia ora J Buckingham,

Your Official Information Act request, reference: GOV-018835

Thank you for your email of 16 June 2022, asking for the following information under the Official Information Act 1982 (the Act):

1. *If and how employers that hold ERAs are audited to ensure compliance with the agreement*
2. *Any complaint process if a client reports an employer is incorrectly paying them ACC weekly compensation under an ERA*
3. *Any process for a client to opt to be paid by ACC rather than their employer*
4. *Finally, I also request any statistics on number of employers for the last two financial years if ACC has withdrawn any ERA agreements based on incorrect payment or reimbursement claimed by an employer and detail of action taken against employer, if any.*

Employer reimbursement agreement (ERA) employers sign a legal agreement with ACC

This allows them to pay weekly compensation to their employees on ACC's behalf, and seek reimbursement from ACC. ERA employers are often public service organisations such as NZ Police, Department of Corrections, and the Ministry of Education. They may pay an additional 20% of an employee's salary that is not covered by ACC.

As no ERA auditing process is completed by ACC as such, your request for auditing information is refused under section 18(e) of the Act, as the information does not exist.

Under an ERA, ACC advises the employer how much to pay their employee; and an employer has the capacity to view opted in claims, and associated payment information (past and upcoming) for that claim, via their MyACC4B account.

If a client is concerned that they're receiving an incorrect rate under an ERA, ACC is able to act

Recovery team members work with injured clients to ensure they are receiving, in all cases, the right payment rate. It is ACC that determines what the correct rate of payment is, and ACC recovery team members who remain responsible for managing the claim.

If an ACC client receiving weekly compensation under an ERA is concerned the rate of compensation they are receiving is incorrect, they are encouraged to raise this with a recovery team member; or with their employer. Our specialist team dedicated to resolving complex complaints, Resolution Services, remain available for assessing complaints, that have been escalated beyond the recovery team member.

There is no process in place for an ACC client under an ERA to be paid by ACC rather than their employer

Your request for this is therefore refused under section 18(e) of the Act, as the information does not exist.

We are unable to provide statistics or details of action taken, where an ERA agreement with an employer has needed to be withdrawn due to incorrect payments

We are not aware of any cases where an ERA agreement with an employer has needed to be withdrawn due to incorrect payments to their employees. As such, your request for information relating to ERA withdrawals is refused under section 18(e) of the Act, as the information does not exist.

If you have questions about this response, please get in touch

You can email me at GovernmentServices@acc.co.nz

If you are not happy with this response, you can also contact the Ombudsman via info@ombudsman.parliament.nz or by phoning 0800 802 602. Information about how to make a complaint is available at www.ombudsman.parliament.nz

Ngā mihi,



Sara Freitag

Acting Manager Official Information Act Services

Government Engagement & Support