

6 December 2016

Susan Bates
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Dear Ms Bates

Official Information Act Request

We refer to your email of 16 November 2016.

Your request

You asked for the following information under the Official Information Act 1982 (Act):

I would like to know how many early childhood teachers have made claims to ACC related to repetitive strain injuries, back complaints, infectious diseases, and stress related illness for the periods 2000 to 2008, and 2009 to 2016.

Our response

Before providing you with the information you requested, we would first like to explain how we have collated our data to provide this information.

Early childhood teachers

As occupation is not a required field on the ACC45 claim form, ACC does not hold reliable data on early childhood teachers specifically. Instead, we have identified work-related claims associated with employers with a Premium Classification Unit (PCU) of 84100 – preschool education. Please note that this data will also include non-teaching employees of these businesses.

Infectious diseases

To provide you with data on infectious diseases, we have collated data on work-related gradual process injuries with an injury diagnosis of 'occupational disease'. ACC provides cover for specific occupational diseases only, a list of which can be found in Schedule 2 of Accident Compensation Act 2001 (The AC Act). The AC Act is publically available online at www.legislation.govt.nz/act/public/2001/0049/latest/DLM99494.html.

Repetitive strain injuries

ACC does not collate data using the term 'repetitive strain injury', however, injuries of this type fall within our work-related gradual process injury diagnosis categories 'soft tissue injury' and 'gradual process – local inflammation'.

Back complaints

We have collated data on back injuries, which includes the injury sites 'lower back/spine', 'neck, back of head vertebrae', and 'upper back/spine'.

Stress related illness

ACC is only able to provide cover for work-related mental injury under the cover criteria outlined in Part 2 section 21B of the AC Act. Please note that under these criteria, the mental injury must be caused by a single event. We have attached our internal policy document *Work-related mental injury*, which provides more detail on this subject. Note that names of ACC staff have been removed from the policy under section 9(2)(a) of the Act as there is a need to protect the privacy of natural persons. ACC has carefully considered whether there are reasons why it is desirable, in the public interest, to make the information available. ACC

is of the view that maintaining an individual's privacy outweighs any public interest in making the information available.

Our response

The information you requested is outlined in the table below.

Number of new and accepted work-related claims from preschool education by calendar year

Year	Gradual Process - Soft Tissue Injury	Gradual Process - Local Inflammation	Gradual Process – Occupational Disease	Back Injury	Mental Injury
2000	<=3	6	0	121	0
2001	7	14	0	249	0
2002	12	11	0	341	0
2003	18	0	0	314	0
2004	9	7	0	327	0
2005	8	0	0	291	0
2006	10	9	0	341	0
2007	8	0	<=3	377	0
2008	16	<=3	0	471	0
2009	12	5	<=3	538	0
2010	13	4	0	504	0
2011	0	<=3	0	516	0
2012	21	0	0	629	0
2013	21	8	0	613	0
2014	15	0	<=3	643	0
2015	16	0	0	615	0
2016	15	5	<=3	566	0

As standard practice, ACC suppresses claim values that are less than or equal to 3 (<=3) to protect client privacy. In doing so, we have considered the public interest in making the information available and have determined it does not outweigh the need to protect the privacy of natural persons. This decision complies with section 9(2)(a) of the Act.

Queries or concerns

If you have any questions about the information provided, ACC will be happy to work with you to answer these. Please address any concerns by emailing GovernmentServices@acc.co.nz or in writing to *Government Services, PO Box 242, Wellington 6140*.

You have the right to complain to the Office of the Ombudsman about our decision. You can call them on 0800 802 602 between 9am and 5pm on weekdays, or write to *The Office of the Ombudsman, PO Box 10152, Wellington 6143*.

Yours sincerely

Government Services

Work-related mental injury

Contact 

Last review 22 Jun 2016

Next review 22 Jun 2017

Introduction

ACC has been able to consider claims for work-related mental injuries since 1 October 2008. We can accept claims for cover where a person suffers a clinically significant mental injury caused by a traumatic work related event.

Rules

Mental injuries not covered by this include:

- exposure to traumatic events outside of work
- gradual onset workplace stress.

The work-related mental injury must have been caused by a single, sudden event that occurred in a client's employment.

Unlike other mental injury claims, a work-related mental injury does not need to be linked to a physical injury. If the client receives a physical injury you should also consider whether the claim for cover is for a mental injury resulting from a physical injury as the two claims have different criteria and dates of injury. This will depend on the content of the mental injury assessment. Seek advice from your Team Manager if you are unsure.

Example:

A bus driver in Manukau swerves to avoid hitting a pedestrian who deliberately steps in front of the bus. The pedestrian is killed instantly when they are clipped by the front end of the bus. As the bus driver is suffering from severe clinical depression because of this event his general practitioner lodges a claim for a work-related mental injury.

Criteria for work-related mental injury

The criteria for determining if a claim for work-related mental injury can be accepted for cover are:

The client is diagnosed with a clinically significant mental injury

In order for the mental injury to be covered, it must be diagnosed as being a clinically significant behavioural, cognitive, or psychological dysfunction. Temporary distress that constitutes a normal reaction to trauma is not covered. In order for ACC to accept a claim the diagnosis must be made by a qualified mental injury assessor following a standardised system. For more information, see [Mental injuries](#).

The mental injury has a causal link to a work-related event

For a work-related mental injury to be covered, it must be caused by a single, sudden event that occurred in a person's place [place of employment](#). The mental injury assessor's report should identify whether the event was a material or substantive cause of the mental injury.

The injury is caused by a single event

For a mental injury to be covered, the injury must be caused by a single event. A series of events that arise from the same cause or circumstance can still be considered a single event. In these situations take care to ensure that all parts of an event are clearly identifiable and occur at a precise point in time. This is different to a gradual process, which refers to a series of recurring events over a longer period that have a cumulative effect.

The event can reasonably be expected to cause mental injury

In order for the mental injury to be covered, it must be caused by an event that could reasonably be expected to cause mental injury to people generally. Events that could reasonably be expected to cause mental injury would:

- provoke extreme distress, horror or alarm in almost everyone
- be outside the normal range of human experience (normal human experience would include bereavement, business loss, and divorce).

In cases where the event is significant, there will usually be lots of information that can be gathered from workplace incident reports, and police or emergency services reports, as well as a Department of Labour investigation. The more information that can be obtained, the more robust the cover decision will be.

The event is sudden in origin

In order for the mental injury to be covered, the event that caused it must be sudden in onset. A sudden event is one that occurs quickly with little or no warning, but the event itself may last a short or longer time. An event lasting a short time might include a drive-by shooting, while an event lasting a longer could be a hostage situation lasting many hours. Irrespective of their duration, both are sudden events.

The event was experienced, seen or heard

In order for the mental injury to be covered the client must directly experience the event that caused the mental injury. The client must be in close physical proximity to the event and see or hear it in order to experience it.

A person cannot experience an event directly if they:

- see it on television, including closed circuit television
- see pictures of, or read about it, in the news media
- hear the event on radio or by telephone
- hear about the event from radio, telephone, or another person.

In most cases, a person will see an event directly. In cases where a person experiences the event through hearing it, for example from a room adjacent to that where the event took place, extra care will be required.

If a claim is lodged as a result of witnessing an event on a closed circuit television by a person who is required to provide video security surveillance as part of their employment, seek advice from your Team Manager. The Team Manager can obtain assistance from Customer Service Technical Support if necessary.

The direct outcome of a sudden event

If the person does not directly witness the event as it occurs, they can still be eligible for cover for a mental injury if they are involved in, or witness, the direct outcome of the event.

To be directly involved in, or witness, the outcome of a sudden event means the person must be physically present at the scene of the event.

A person may be at the scene of the event and:

- provide medical assistance
- provide emergency response assistance
- be part of a rescue or clean up operation.