

Summary

Objective

An accredited employer (AE) may ask to transfer a claim to ACC, or vice versa, if they believe they should not manage the claim.

Owner

Name
withheld

Expert

Name
withheld

Policy

1.0 Rules

- a** We must work with the AE to ensure the client receives all necessary and appropriate support for personal injuries covered under the Accident Compensation (AC) Act 2001.

Delivery of any support must be seamless to the client. For more information see:

- Framework for the Accredited Employers Programme 2000
- Accredited Employer (AE) agreement (642K)
- relevant sections of the AC Act 2001: •Part 10 Provisions relating to transition from competitive provision of workplace accident insurance (also sSchedule A, clause A12A of the AE agreement)
- Section 28 Work-related personal injury
- Section 29 Personal injury that is both work-related and motor vehicle injury
- Sections 294 – 298 Situations where previous insurer involved.


 Accreditation Agreement April 2021

 Framework for the Accredited Employers Programme 2000

<https://www.westlaw.co.nz/maf/wlnz/app/document?startChunk=1&endChunk=1&docguid=16847ffbf15a11e08eefa443f89>

 Section 28 Work-related personal injury

<https://www.westlaw.co.nz/maf/wlnz/app/document?startChunk=1&rnd=0.8440778739587174&lawlink=&endChunk=1&cas>

 Situations where previous insurer involved

<https://www.westlaw.co.nz/maf/wlnz/app/document?startChunk=1&endChunk=1&docguid=16790477ce03211e08eefa443f8>

2.0 Acceptable reasons for transferring a claim to ACC

- a** A claim may be transferred to ACC if:

- it's after the end of the claim management period (CMP)
- the agreement has been terminated before CMP expiry
- ACC has assumed management of the claim
- the event is clearly a non-work motor vehicle incident
- the event stated on the ACC45 injury claim form is confirmed as non-work (unless the employer has contracted with ACC for non-work injuries to be managed by their third party administrator)
- the injured person was not an employee at the date of injury, or deemed date of injury for gradual process
- the employer was not accredited at the date of injury.

3.0 Unacceptable reasons for transferring a claim to ACC

- a** We won't accept a claim if:

- cover has been declined for the event, ie the event occurred at work but the claim is not covered
- it's a re-aggravation of an existing injury. If there is a clear new event the AE may choose to decline cover or support or accept the new claim
- there are pre-existing conditions affecting the client
- the injured person was not an employee at lodgement date (late lodged claims)
- there is an alleged separate event as the cause of injury, eg the employer believes that the injury occurred at sport not at work as described on the ACC45
- the employer simply disputes the client's version of events
- there is lack of information to back up the reason for transfer.

4.0 Payments made by AE before identifying correct management

- a We must reimburse the AE when there is evidence that shows the AE is not responsible for managing the claim and has made payments.

Use Apportioning costs for an accredited employer claim but look at full reimbursement for documented claim costs.

5.0 Payments made by ACC before identifying correct management

- a The AE must reimburse ACC when we've made payments before identifying that the claim belongs to an AE.
 - Refer these situations to the Accredited Employers Team, Insurance Delivery
 - The AE cannot reimburse us before the payment shows on the Accredited Employers Programme (AEP) report and we invoice them. We must initiate the process to ensure the reimbursement appears on the report. Refer any queries to the AE's AEP compliance advisor.
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6.0 Sensitive claims

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 - The AE is responsible for managing work-related sensitive claims. See the AE Agreement, Schedule A, clause A4.6
 - The AE can ask us to take over management of sensitive claims. See the AE Agreement, Schedule A, clause A4.2
 - The client can request that we manage the claim if they're concerned about the AE managing the claim. We will manage the claim either as a work injury, where the employer must be notified, or a non-work injury, where the employer is not notified. See Section 28.6 of the AC Act.
 - ACC staff must consult with the Accredited Employers Team before assuming management of a claim.
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7.0 Motor vehicle injuries and accredited employers (AE)

- a Most motor vehicle injuries will not be considered work injuries under Section 29 of the AC Act so will be managed by ACC. For more information see Motor Vehicle Account.

This also applies to AE employee claims resulting from a motor vehicle accident overseas.
