If you’re an employer with significantly higher than average injury statistics, the Workplace Safety Evaluation (WSE) programme is designed to help you improve the safety of your workplace.

**Why is the Workplace Safety Evaluation programme needed?**

ACC levies are set on an industry basis. This means that employers in the same industry pay the same rate. If one employer within an industry sector has a significantly higher number of workplace injuries, the costs of those injuries are carried by all of the employers in that industry regardless of whether other employers have had any injuries.

A serious injury in one year might be a one-off event. However, experience shows that if it is the same employers that continue to have a high number of workplace injuries year after year, something needs to change.

The Accident Compensation Act 2001 gives ACC the ability to address this situation in a positive approach.

**How will the WSE programme be implemented?**

The programme consists of a five-step process.

**Step 1 – Identifying potential candidates**

ACC uses claims data to identify employers that have ‘significantly’ more injuries, and more severe injuries than other employers of a comparable size within the same industry.

To compare different size businesses to each other, a ‘rate of injury’ is calculated:

- injury numbers are compared as a rate per $1,000,000 of wages
- injury costs are compared as a rate per $10,000 of wages.

Within each industry group, employers performing at a low level are identified for the Workplace Safety Evaluation programme.
Section 178 of the Accident Compensation Act 2001 sets out the factors for ACC to take into account when identifying potential candidates.

**Step 2 – Advising the candidates**

We will outline our concerns in a letter to selected workplaces, setting out:

- why you have been selected
- the purpose of the Workplace Safety Evaluation programme
- the requirement for communication between ACC and you
- the consequences for your business of not reaching a satisfactory safety management standard.

You will receive a follow-up phone call from an ACC injury prevention consultant or account manager to setup a meeting with management. At this meeting, your claims record will be reviewed in relation to how it compares to other employers in the same industry.

If you feel the current situation is not accurately reflected in your claims data, you can supply additional information for us to take into account. You must make this submission within 15-days of the initial visit from ACC and this will be reviewed by an independent Adjudication Panel. Based on the information you supply, ACC may decide not to proceed any further.

**Step 3 – Working together to find the answers**

If we decide to pursue matters further, an ACC injury prevention consultant will work with you to rectify the underlying causes of your workplace injuries.

ACC will provide free consulting advice to help you:

- establish the causes of the most common serious injuries
- explore options for addressing the causes of most serious injuries (including an assessment of risk of harm and severity versus cost and practicality)
- prepare an action plan for implementing chosen remedies, including a realistic time frame.

Depending on your circumstances, you will have up to six-months to take corrective action. At the end of the agreed time frame the ACC injury prevention consultant will prepare a report on the actions taken by you. This report is sent to the Adjudication Panel and will assist them to decide what to do next.

- If the report shows evidence that you have made sufficient progress in addressing your workplace injury problems, you will no longer be required to participate in the programme.
- If you are no longer in the programme, an ACC injury prevention consultant will carry out a follow-up visit in six-months’ time to confirm the sustainability of the changes you made during the action plan stage.
- If the Adjudication Panel believes you have not made sufficient progress towards addressing your workplace injury problems, your workplace will be audited. Workplace audits will be carried out only after other courses of action have not resulted in improvements.
- ACC will confirm the outcome of all Adjudication Panel decisions in writing.

**Step 4 – A workplace audit**

The workplace audit will focus on the elements that are most relevant to the underlying causes of the workplace injury problem. These are:

- hazard management
- staff training
You will receive a copy of the audit assessment framework that was approved by the Minister for ACC before the audit.

The audit elements are also consistent with employers’ legal obligations under the Health and Safety at Work Act 2015.

ACC will appoint an auditor and nominate a timeframe that the audit must be conducted in. We expect workplace audits will take no more than one-day to complete. You will receive a written notification from us of the outcome (successful or unsuccessful) within 10-working days of the audit being completed.

ACC will pay the auditor’s fees and expenses.

**Step 5 – Levy adjustments**

If your workplace audit is unsuccessful, ACC is required by legislation to apply for an upward levy adjustment. The adjustment will be a 50% increase to the ACC WorkPlace Cover component of your annual levy for the cover year in which the audit took place.

The upward levy adjustment will stay in place until a further workplace audit is passed. If that audit is unsuccessful:

- you will be re-audited in the following cover year (1 April to 31 March)
- we will specify when the audit will take place
- you will need to cover the cost of the auditor’s fees and expenses.

If the re-audit is successful, you will receive a refund for the levy adjustment for that cover year.

If you refuse to allow the audit to take place or obstruct the conduct of the audit, an upward levy adjustment may be applied. (Refer to Section 180 of the Accident Compensation Act 2001 and Regulations 44-49 of the Accident Compensation (Work Account Levies) Regulations 2016).

**Employers’ right of redress**

You can ask for any ACC decision on levy liability to be formally reviewed. Requests must be lodged in writing on an ACC33 ‘Application for review’ form, within three-months of being notified of the decision in question.

You can download the ACC33 form from www.acc.co.nz/publications.

**More information**

Visit acc.co.nz/for-business or phone the ACC Business Customer Contact Centre on 0800 222 776.

All information in this publication was current at the time of publication, April 2016. This information is intended to serve only as a general guide to aspects of the Accident Compensation Act 2001 and regulations. For any legal or financial purposes this Act takes precedence over the contents of this guide.