



08 July 2022

Kia ora [REDACTED]

**Your Official Information Act request, reference: GOV-018972**

Thank you for your email of 28 June 2022, asking for the following information under the Official Information Act 1982 (the Act):

1. *Copies of any relevant forms used by ACC to gather information to assess abatement of weekly compensation for clients' post-injury earnings; and,*
2. *Any internal policy documents, factsheets, or manuals used by ACC in assessing abatement of weekly compensation for clients' post-injury earnings.*

**The requested documents are attached to this response**

Please see the attachment containing the following documents:

- Determine Earnings Liable for Abatement
- Manage Abatement in Eos
- Negotiating Abatement for Employees' guidelines
- ACC206 Weekly work hours declaration form
- ACC38 Earnings certificate for assessing abatement form
- ACC5791 Declaration for the repayment of weekly compensation and reinstatement of leave form

Staff names have been removed from these documents as they are considered out of the scope of your request.

**As this information may be of interest to other members of the public**

ACC may decide to proactively release a copy of this response on ACC's website. All requester data, including your name and contact details, will be removed prior to release. The released response will be made available [www.acc.co.nz/resources/#/category/12](http://www.acc.co.nz/resources/#/category/12).

**If you're concerned about this response, please get in touch**

You can email me at [GovernmentServices@acc.co.nz](mailto:GovernmentServices@acc.co.nz).

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

Ngā mihi

Sara Freitag  
**Acting Manager Official Information Act Services**  
Government Engagement & Support



## Summary

### Objective

If a client receives any income during a period of incapacity, under the Accident Compensation Act 2001, Schedule 1 Clause 49, ACC needs to consider if any part of that income is 'earnings liable for abatement'.

If this is the case, the abatement formula is applied, which reduces base weekly compensation by a proportion of the 'earnings liable for abatement'.

Owner

Out of scope

Expert

## Procedure

### 1.0 Earnings liable for abatement

- a** The following earnings received during the client's inability to work due to their injury are earnings liable for abatement:
- wages, salary, director's fees or self-employed earnings
  - holiday pay for annual leave (if a client cannot take the leave at another time after their return to work) or statutory holidays
  - taxable bonuses or one-off payments (perhaps in return for accepting a lower-paid job)
  - estimated earnings of a self-employed client or shareholder employee, if actual earnings during the inability to work from that employment cannot be determined
  - any leave payments made on, or in respect of, termination of employment.

There are a number of special case scenarios when determining if earnings are liable for abatement:

- holiday pay and reinstatement of leave
- payment during the inability to work.

#### **NOTE Special case 1: Holiday pay and reinstatement of leave**

When an employer has made payment of holiday or sick pay during a period the client is unable to work, they should be asked whether the leave can be reinstated. If this is possible, the client should be asked to refund the holiday pay to the employer. Alternately, the amount may be able to be reimbursed under the Approved Employer scheme.

If the employee refunds the leave payment to the employer, seek written confirmation from the employer detailing:

- the total leave payment the employee is refunding
- the period the leave covers.

#### **NOTE Special case 2: Payment during inability to work**

If a payment received during incapacity relates to work carried out in a specific period, the payment should be considered as earnings in that period.

Example: A real estate agent receives a quarterly commission payment where PAYE is deducted at source. They suffer an injury on 1 October, and on 14 October receive the commission payment relating to the work they carried out pre-injury. As this payment is related to work done over a specific period before they became unable to work, it should not be used in abatement calculations, but instead should be used in the calculation of their earnings before they became unable to work.

Note: This would not apply if the commission payment were received in a later income year. In that case, such a payment would have to be abated as explained below.

If a payment is related to a period within an income year, but is paid in a later income year, the payment is considered earnings liable for abatement in that later income year rather than a payment related to the period in the period in the earlier income year.

This is because subject to the income tax legislation, the Accident Compensation Act 2001, section 9 specifically defines 'earnings as an employee' in relation to each income year, which is 1 April to 31 March.

If a payment received while the client is unable to work cannot be related to an equivalent period of time, abatement should apply only for the week in which the payment was received.

This will be an unusual and rare occurrence, as payments can generally be related to a period of time. Examples would be:

- a one-off payment paid to an injured worker for accepting a lower paid position
- a taxable bonus payment, such as a profit share or other 'one-off' bonus.

ACC must abate these payments if they are received while the client is unable to work. This can disadvantage the client, particularly if the inability to work is likely to be short-term. In these circumstances, advise the employer that ACC must abate the client's weekly compensation in respect of the payment if, received while they are unable to work and as the inability to work is likely to be short-term, will they consider deferring the payment until after the client's weekly compensation has ceased.

- b** Holiday pay is to be related to the period in which the holiday leave was actually taken. In some cases, a person may take holiday leave, but not receive holiday pay until much later in the year. If this occurs, the holiday pay should be treated as derived in the period the leave was taken.

**NOTE Example: An employee took holiday leave in June but received payment for that leave in December. The payment will relate to the actual period that the employee took holiday leave, ie June.**

Holiday pay received before the client became unable to work, relating to a period of holiday leave after the date they became unable to work, is not to be used for their earnings before their inability to work, when calculating weekly compensation. These earnings may need to be abated.

If a payment is related to a period within an income year, but is paid in a later income year, the payment is considered earnings liable for abatement in the later income year, rather than a payment related to the period in the earlier income year.

This is because subject to the income tax legislation, the AC Act 2001, Section 9 specifically defines 'earnings as an employee' in relation to each income year, which is 1 April to 31 March.

## 2.0 Earnings not liable for abatement

- a** These payments are not classified as earnings liable for abatement:
- redundancy or superannuation payments paid on or in respect of the termination of employment
  - weekly compensation, including payments to a surviving client for an accidental death
  - parental leave payments paid under the Parental Leave and Employment Protection Act 1987, Part 7A
  - employer top-ups
  - payment for work done before they became unable to work.

**NOTE Employer top-ups:**

If an employee is eligible for weekly compensation following an injury, their employer may make an additional payment each week that 'tops up' the employee's income during their inability to work to the level of their normal wage, so the employee has no loss of income.

The 'top up' is exempt from the abatement process as long as it:

- does not relate to work performed by the employee
- represents an amount that 'tops up' the employee's weekly compensation to the level of their normal pay.

Note: The employer may need to adjust the employee's top up amount, if the employee also receives other earnings that reduces their amount of weekly compensation, eg the employee receives some earnings while they gradually return to work. Notify the employer of any changes to the weekly compensation rate in these circumstances.

Because ACC normally calculates abatement retrospectively, the employer could already have paid the top-up for the relevant period. It is possible that by the time ACC calculates the abatement, the top-up amount the employer has paid, when combined with earnings and weekly compensation, could exceed the client's normal earnings. The employer is responsible for adjusting the top-up and recovering any such excess payment.

**NOTE Payments for work done before the client became unable to work:**

If a client receives earnings that were for work they did before they became eligible for weekly compensation, then abatement will not apply. Instead they could be included in the calculations that determine the weekly earnings.

Note: If a payment is related to a period within an income year, but is paid in a later income year, then the payment is considered earnings liable for abatement in that later income year, rather than the period in the earlier income year in which the payments actually relate.

This is because subject to the income tax legislation, the Accident Compensation Act 2001, section 9 specifically defines "earnings as an employee" in relation to each income year, which is 1 April to 31 March.

## 3.0 When to consider abatement


**a** For employees:

Any earnings liable for abatement while the client is unable to work due to their injury must be abated against the weekly compensation payable during that period.

Consider abatement for employees if:

- the Real Time Earnings (RTE) portal or ACC003 Employee earnings certificate, giving details of dates and gross amounts paid, shows that the client has received payments following DOFI/DOSI
- ACC is aware that the client has returned to work and has derived earnings liable for abatement
- the client produces a 'fit for selected work' medical certificate.

See Determine employee earnings liable for abatement - Reference.

-  Determine Employee Earnings Liable for Abatement

- b** For self-employed and shareholder employees:  
Self-employed and non-PAYE shareholder employees only declare actual income to Inland Revenue on an annual basis. However, during the period the client is unable to work, ACC is required to determine on a week by week basis the amount of earnings liable for abatement that the client is likely to generate from the business or company.

Abatement needs to be considered if the client is either:

- a self-employed person and their business is continuing to operate, or the client starts having input into the business
- a shareholder employee and they continue to work and/or derive earnings from the company.

Note: Unless the self-employed person's business ceases to function or the shareholder employee ceases to work for the company, most self-employed or shareholder employees will continue to have some management input, even when they are physically unable to work.

Indications that abatement should be applied are:

- the ACC004 Questionnaire for self-employed, states that the client's business or company is continuing to generate income while they are unable to work or the client has resumed having input into the business or company
- the ACC018 Further medical certificate, states that the client is fit for selected work
- advice has been received in some other way, eg the weekly compensation transcript, that the business or company is continuing to generate income, or that the client is having input into the business or company.

Note: Up until the end of the first income year in which the client became unable to work due to their injury, if the client is self-employed and is having no involvement with the business while they are unable to work, do not apply abatement. This will need to be reviewed when the client resumes working in some capacity for the business, or at the end of the income year in which they became unable to work.

Always make sure that self-employed and shareholder employee clients are aware that weekly compensation is being paid for loss of earnings, not inability to do some tasks because they are working reduced hours, or to reflect costs of replacement labour. Any earnings that a self-employed or shareholder employee continues to generate or receive during incapacity must be abated from weekly compensation.

#### 4.0 Methods of determining earnings while unable to work

- a** Self-employed and shareholder employees:

A self-employed or shareholder employee's actual earnings for a period cannot be established until the end of an income year. However, Clause 50 of Schedule 1 allows ACC to estimate earnings for a period where the actual earnings cannot be ascertained.

ACC has developed two approaches, depending on whether:

- earnings were generated during a period when the client was unable to work that occurred in part of an income year
- earnings were generated over a full income year.

- b** Inability to work for part of an income year:

A claim will always begin partway through an income year, unless the client becomes unable to work on 1 April (or the day their income year started, if the client has a non-standard balance date).

In these cases, ACC makes an estimate of the client's earnings liable for abatement during the period the client is unable to work, based on information about the level of work that the client is able to do. This estimate stands as final assessment, unless fraud is subsequently established.

An estimate is required because actual earnings for the part year period that the client was unable to work cannot be determined. That is, when the client declares their actual income to Inland Revenue, they will declare a sum that represents their earnings over the whole income year. From this figure, there is no way to accurately determine how much of the income declared in that income year was earned:

- before they became unable to work
- while they were unable to work
- after they became able to work again.

Note: Some clients will be able to provide details of actual earnings while they were unable to work by supplying accounts for actual income less expenditure. The details can then be used to estimate the earnings liable for abatement. Before using these accounts, consider whether a referral to the ACC accounting advisor is necessary.

- c** Inability to work for a full income year:

If the client is unable to work for a full income year:

- an interim estimate of earnings while they were unable to work must be completed
- an end of year adjustment is required, based on the actual earnings for that year, as lodged with Inland Revenue.

**NOTE** For example, a client becomes unable to work due to their injury from 4 July 2001 until 11 November 2003 would have their earnings when they become able to work again determined as follows:

- 4 July 2001 to 31 March 2002
  - Part income year
  - Estimate earnings while unable to work
- 1 April 2002 to 31 March 2003
  - Full income year
  - Interim estimate subject to a final adjustment, based on actual earnings as declared to Inland Revenue for the full income year
- 1 April 2003 to 11 November 2003
  - Part income year
  - Interim estimate with a final adjustment at the end of the period they were unable to work, if required.

**d** Estimating earnings while unable to work due to the injury:

Estimates of earnings while the client is unable to work can be based on one of the following:

- a comparison of hours worked before and after the period they were unable to work. See Compare hours worked
- a negotiated percentage that estimates the earning capacity of the client. See Negotiate percentage earning capacity or earnings amount
- an estimate of the income that the client would receive during the period they are unable to work. See Assess earnings for the first income year.

Note: For the first income year, abatement based on an estimate can apply as a final assessment, ie there is no need to make an adjustment based on the income return lodged with Inland Revenue, because actual earnings during that part year cannot be determined.

If at the start of an income year, an interim estimate is applied, the risk of overpayment can be reduced by making low payments until the end of a full income year, then making an adjustment based on actual earnings lodged with Inland Revenue for the full income year.

**e** Self-employed and shareholder employees:





For self-employed and shareholder employees the following factors should be considered when estimating earnings while the client is unable to work due to their injury.

For self-employed consider:

- the effect on the business income of their inability to work
- the cost of replacement labour and the effect of this on the profitability of the business
- if there has been a significant downturn or upturn in the business, eg an apple grower who is facing reduced returns due to low prices on the export crops
- any other issues relevant to the particular business.

For shareholder employees consider:

- the amount of work that the shareholder continued to do for the company, including management duties, and the likely remuneration for that work
- any actual earnings the client continues to receive from the company need to be abated. Payments made by the company in the form of wages or salary are actual earnings and must be abated
- there may be a need to estimate additional income that the client may receive at a later time, such as director's fees
- the influence that a shareholder employee has over the income awarded by the company

-  Compare Hours Worked (CHIPS)
-  Negotiate Percentage Earning Capacity or Earnings Amount (CHIPS)
-  Determine Earnings if No Agreement (CHIPS)
-  Assess Earnings for the First Income Year (CHIPS)

## 5.0 What to do at the start of a new income year

- a** Overpayments can arise if payments made during the year are higher than the final amount the client is eligible for. To manage this risk one month before the start of a new income year, ACC sends self-employed and shareholder employee clients an ongoing claims letter WC004 Self-employed and shareholder employee abatement election which:
- advises clients of the basis of payments for the following income year
  - requests that they elect how payments should be made.

This is required because if the client is unable to work due to the injury for a full income year, an adjustment to the abatement assessment is made, based on the earnings lodged with Inland Revenue at the end of that income year.

The election should aim to reflect the true level of anticipated earnings. It should be conservative to the extent that it will minimise the risk of an overpayment. However, not conservative to the extent that ACC are withholding weekly compensation having regard to the client's likely payment amounts at the end of the income year.

On the election, the client can request one of the following:

- earnings during the new income year continue to be based on an estimated method, and the client will accept the risk that an overpayment may arise if unable to work for the full year
- payments stop in the meantime until actual earnings are lodged with Inland Revenue
- ACC contact them to discuss ways to reduce the risk of overpayment.

When the election is returned, the method for estimated payments for the coming income year is set up.

Note: The client still has to supply regular medical certificates, provide details of any changes in their input into the business or company during their inability to work and comply with their rehabilitation programme.

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## 6.0 Reassessing earnings at the end of a full income year

- a** For a full income year, the client will have received the rate of compensation that they elected at the start of that income year or an assessment of the amount to be abated pending end of year accounts. An adjustment is required to the end of year, or to the end of their eligibility for weekly compensation, for each complete income year that the client is unable to work.

## b Validating accounts for earnings while unable to work

Be aware that it is possible for the client to make changes in accounting practice after the injury to reduce their earnings while they are unable to work. Common examples of this are:

- charging interest on partners' current accounts where this has not been done previously
- payment of wages to family members. Check that this reasonably reflects tasks undertaken that were previously actioned by a client
- payment of management fees to other entities or other partners
- change in policy for allocating partnership profits or shareholder salary. In order to identify such a change, partnership or company financial statements are required, because the ACC176 Earnings certificate – Inland Revenue and IPS2 do not contain sufficient detail to determine whether or not this has occurred.

 ACC176 Earnings certificate - Inland Revenue

## c Accounting Advisory Service referrals

If you're unsure of the validity of information about the client's business or company or the client's financial circumstances are complicated, consider referring to the Technical Accounting Specialists for advice (see link below).

## d What to do if client ceases to be unable to work

Where a claim is in the Actioned Queue and a reassessment is necessary a Team Manager or Team Leader from the Weekly Compensation team may change the LPL indicator to 'No' to allow Pathway to be accessed.

- The request and approval to Activate will be confirmed by use of the most appropriate task in Eos
- The indicator will be changed to 'yes' after the wash-up is completed.


If the client fully returns to work part-way through the income year, and actual earnings for that period of inability to work can not be readily established, then the estimated earnings figure while they were unable to work can be used as a final abatement assessment.

If the client had elected to continue receiving weekly compensation based on estimated earnings while they are unable to work, and this has been updated whenever the client's circumstances change, then there is no need for an adjustment.

If the client elected to receive a lower rate or full rate of payment during the income year:

- an adjustment will be required
- arrears may need to be paid or overpayment may need to be recovered.

Note: The client should have been providing regular declarations on the ACC206 Self-employed work hours declaration form of their involvement with the business or company during the income year.

 ACC206 Self-employed Work Hours Declaration Form

## 7.0 Special Case: Considering earnings derived in overseas currency

- a The Accident Compensation Act 2001, Schedule 1, Clauses 49(4) and 49(5) allow ACC to apply abatement to earnings that a client derives in overseas currency.

In some cases, long-term clients have moved overseas and continue to receive weekly compensation. When this applies, if the client starts working and/or deriving income overseas, that income is earnings liable for abatement, which is applied in the abatement formula and may reduce the amount of weekly compensation payable.

See Pay client overseas for information about eligibility to receive weekly compensation overseas and the client's obligations while living outside NZ.

 Eligibility for Weekly Compensation while Client is Overseas Policy

- b ACC is required to convert the overseas income into NZ dollars at an average rate of foreign exchange applied for the date that the payment is made. To determine the average rate of foreign exchange for a particular currency, ACC uses the following indices:

- If the currency is AUST, UK, USA, YEN, EURO then use the conversion rates published by the Reserve Bank on NZ on the following web site: [www.rbnz.govt.nz/statistics/exandint/b1/data.html](http://www.rbnz.govt.nz/statistics/exandint/b1/data.html)

- If the currency is not AUST, UK, USA, YEN, EURO, or NZ then use the conversion rates published by the Customs Service on the following web site: [www.customs.govt.nz/news/utilities/Pages/Rates-Of-Exchange.aspx](http://www.customs.govt.nz/news/utilities/Pages/Rates-Of-Exchange.aspx)

The overseas earnings must be converted to NZ dollars at the rate of foreign exchange applicable for the period or the date on which the payment was made.

 Reserve Bank on NZ

<http://www.rbnz.govt.nz/statistics/exandint/b1/data.htm>

 NZ Customs Service

<http://www.customs.govt.nz/news/utilities/Pages/Rate>

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### PROCESS

### Referring to the Technical Accounting Specialists for Advice

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- C** When considering the abatement of overseas earnings, decide which earnings category the overseas income falls into:
- earnings as an employee
  - earnings as a self-employed person
  - earnings as a shareholder employee.

This classification will affect how abatement is applied and the dates of payment for when the overseas currency is converted to NZ dollars.


- If the client is an employee and they work for an employer who pays them a wage or salary (ie the employer pays the tax directly to the relevant taxation authority), then convert the overseas earnings to NZ dollars at the “average” rate of foreign exchange applicable on the date each payment is made.

- If the client is self-employed and they work for themselves and declare taxable earnings to the relevant taxation authority on a periodic basis, then convert the overseas income to NZ dollars at the “average” rate of foreign exchange applicable on the date that the income is declared to the relevant taxation authority.




- If the client is shareholder employee and they work for the company in which they are a shareholder, the company may either:
  - pay a regular salary to the client
  - make periodic payments to the client
 then convert the overseas earnings to NZ dollars at the ‘average’ rate of foreign exchange applicable on the date that each salary payment is made, or that the earnings are declared to the relevant taxation authority if periodic payments.

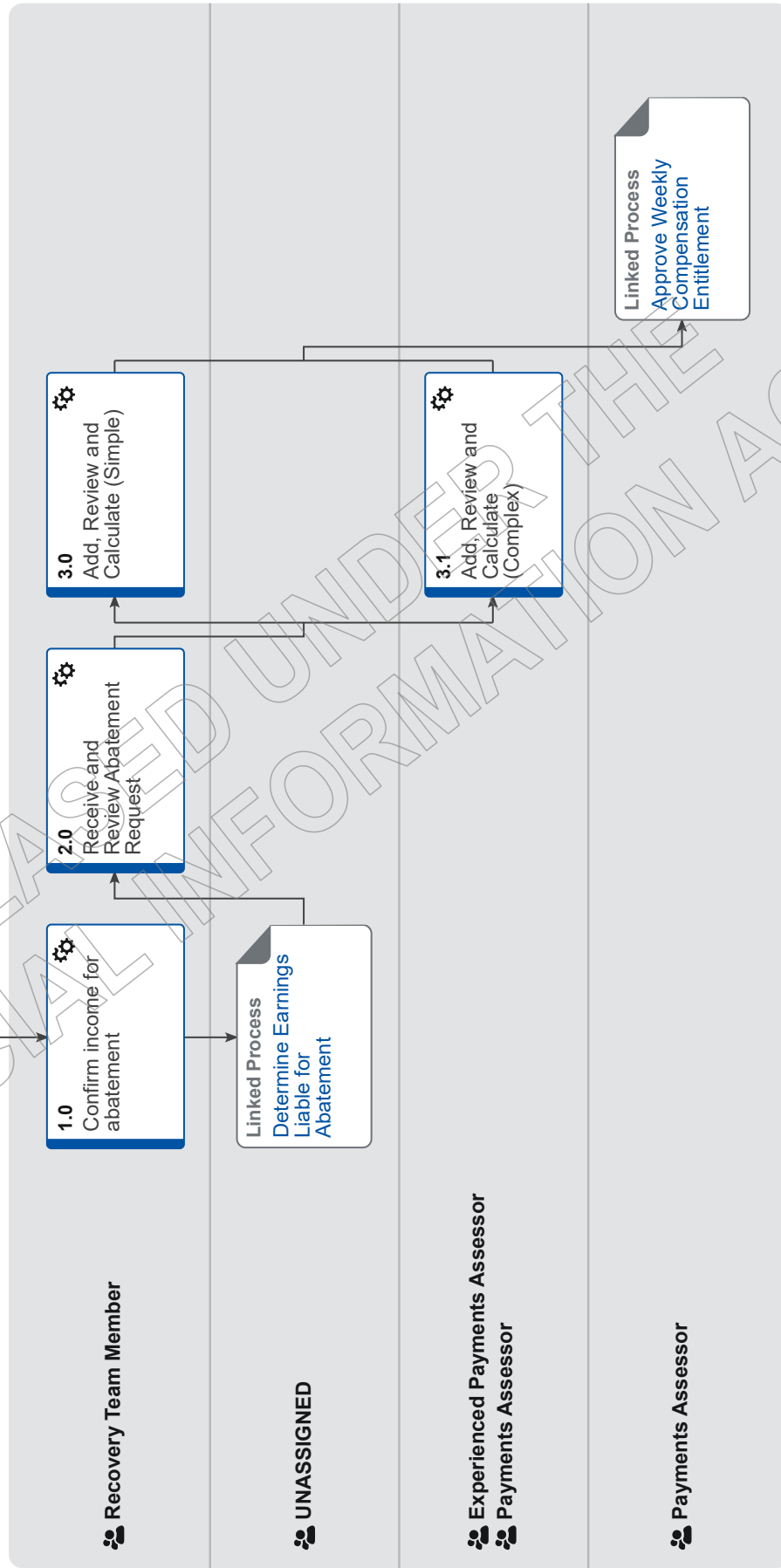
 **Abate Overseas Earnings**

If the client is...	and...	then...
an employee	they work for an employer who pays them a wage or salary, ie the employer pays the tax directly to the relevant taxation authority	convert the overseas earnings to NZ dollars at the “average” rate of foreign exchange applicable on the date each payment is made
self-employed	they work for themselves and declare taxable earnings to the relevant taxation authority on a periodic basis	convert the overseas income to NZ dollars at the “average” rate of foreign exchange applicable on the date that the income is declared to the relevant taxation authority
shareholder employee	they work for the company in which they are a shareholder, the company may either: <ul style="list-style-type: none"> <li>• pay a regular salary to the client</li> <li>• make periodic payments to the client</li> </ul>	convert the overseas earnings to NZ dollars at the “average” rate of foreign exchange applicable on the date that each salary payment is made or that the earnings are declared to the relevant taxation authority, if periodic payments

 **Dates of payment for when overseas currency is converted to NZ dollars.PNG**

**8.0 Links to legislation**

-  Accident Compensation Act 2001, section 9 - earnings as an employee  
<http://www.legislation.govt.nz/act/public/2001/0049/lat>
-  Accident Compensation Act 2001, Schedule 1, Clause 49 - earnings definitions  
<http://www.legislation.govt.nz/act/public/2001/0049/lat>
-  Accident Compensation Act 2001, Schedule 1, Clause 50 - estimation for abatement purposes of earnings that cannot be ascertained  
<http://www.legislation.govt.nz/act/public/2001/0049/lat>



OFFICIAL INFORMATION UNDER THE ACT



## Summary

### Objective

To calculate and manage simple abatements when a client has other earnings whilst in receipt of weekly compensation.

### Background

The Manage Abatement procedure can be used by Frontline staff, as well as the Payments Team to manage a client's abatement if they are earning while receiving weekly compensation.

Managing Abatement is a new task for Frontline staff, so they will calculate and manage simple abatements only. More complex abatements will be referred to the Payments Team.

Simple abatement is when:

- You have either received an earnings rate, amount, percentage, or hours from the client or negotiated one with the client and employer
- The client has not been paid for any part of the payment period that the abatement will be applied to
- If backdated abatement applies, the total period is less than 90 days.
- The client only has one employer or is Self-employed/Shareholder.
- The employment work type is either permanent or non-permanent employee.

All other abatement earnings details are complex. This can include:

- Periods where holiday pay or termination pay apply
- Periods with Bonus payments, back pay, directors fees or other allowances apply
- Commission payments
- Section 60 Permanent Incapacity claims or weekly comp payments with a S60 component
- Abatement where the client is Lower Level Cover-Plus Extra
- Any earning type with mixed earnings sources and/or multiple employers.
- Abatement washups. Where the client is self-employed/shareholder and have been on weekly compensation for their full financial year.

Owner

Out of scope

Expert

## Procedure

### 1.0 Confirm income for abatement

Recovery Team Member

- a** Confirm with the client they will be earning income while receiving weekly compensation

**NOTE** **How will you know the client will be earning income?**

If the client is fit for some work this will generally be stated on the ACC18 or ACC45

The client or employer may also inform you during discussions with them, such as during a Welcome or Check In Conversation.

- PROCESS** Determine Earnings Liable for Abatement

**NOTE** **What if the claim is set up as Employer Reimbursement Agreement (ERA)?**

MyACC for client and real time earnings requests for abatement are not acceptable on ERA claims. Earnings for abatement can be received via a submission through MyACC for Business or gathered via the ACC038 (Declaration of employee earnings) form from the employer.

When sending the ACC038 to an ERA employer, populate the abatement dates to align with ACC's payment periods.

To see if ERA payments are being made, go to the Weekly Compensation sub case, select Recurring Entitlements then Calculated Entitlements. If ERA payments are being made, the ERA abbreviation will be listed under Entitlement type.

**NOTE** **What if the client has Cover Plus EXTRA (CPX)?**

Clients who have Cover Plus Extra don't require abatement, except for Lower Level Weekly Compensation Cover Plus Extra or if they have held PAYE employment.

If the incapacity has been approved with 'yes' abatement, then edit this and change to 'no'. See Maintain Weekly Compensation for steps on editing incapacity.

- PROCESS** Maintain Weekly Compensation

**NOTE** **What if the client's employment has been terminated?**

- 1) Obtain the final pay details from their employer via the 'ACC040 Termination pay information request - employer' form (generate in EOS)
- 2) Amend the loaded incapacity to 'Yes' to abatement from the later of; the final date of employment OR the day after we have paid entitlement until, to avoid overpayment.
- 3) Explain to the client that this measure is required to determine if abatement applies and avoid overpayment.
- 4) Create a reminder action in Salesforce noting that once the ACC040 has been returned, review if abatement applies:
  - If a final payment has been made upon the client's departure - continue to step 2.0d and consider the abatement as complex
  - If a final payment hasn't been made upon the client's departure – amend loaded incapacity to 'No' to abatement.

- b** Explain the client's obligations while receiving abatement and consider sending them the FSWC05 'Earning while on weekly compensation' factsheet. Consider discussing negotiated abatement.

**NOTE** **What is negotiated abatement?**

See information link below

- Negotiating Abatements for Employees guidelines

**NOTE** **What are the client's obligations?**

It is in the client's best interests to advise us of their earnings accurately and in a timely manner. Failing to do so can increase their risk of receiving an overpayment which will need to be recovered.

- c** Agree with the client how they will notify ACC of their earnings and whether their abatement may need to be reviewed in the future.

**NOTE What if the client is Self-Employed or a Shareholder Employee?**

It's important we explain to Self-Employed and Shareholder Employee clients that if they are generating an income then we will abate the income they earned rather than the hours worked. If we do not do this and instead abate based on hours worked, we cannot guarantee that the payments to the client are accurate.

For example, a shareholder who normally works 40 hours a week and earns \$1000 a week pre-incapacity. Post-incapacity works 20 hours a week but earns \$800 will need to be abated on the full \$800 earned, rather than the 20 hours worked.

**NOTE What if a Self-Employed or Shareholder Employee client has received the Covid-19 wage subsidy?**

The wage subsidy should be included as tax year earnings in the relevant year that it is filed in. For clients that receive weekly compensation for the full tax year, this will be abated over the full tax year along with any other self employed or shareholder income.

If the client is not receiving weekly compensation for the full tax year, the recovery team member will need to take the subsidy into account when negotiating abatement.

**NOTE What if a Self-Employed or Shareholder Employee client has received Covid-19 Resurgence Support Payments?**

Resurgence Support Payments are a one-off payment, that do not relate to a specific period and are not subject to income tax. As such, these payments should not be abated (clients do not need to disclose Resurgence Support Payments information to ACC).

- d** Record the agreed plan and any important information such as hourly rate, post-incapacity work schedule in the Vocational Life Area.

**PROCESS Determine Earnings Liable for Abatement**  
UNASSIGNED

**2.0 Receive and Review Abatement Request**  
Recovery Team Member

- a** Review the abatement information you have received to ensure it contains all the necessary information and is accurate to proceed.

**NOTE What are the acceptable means of gathering abatement information?**

- MyACC
- Phone or Email confirmation of periods and amounts paid, from client or employer
- Copies of pay-slips or payroll reports, from client or employer
- Real time earnings request (see attached policy information)
- Negotiated abatement, which should be evidenced on file
- ACC038 Declaration of employee earnings to the employer
- ACC206 Weekly work hours declaration to the client if they are self employed

If the claim is ERA, we require written confirmation of abatement to be obtained from the employer. This can be via MyACC for Business, ACC038, or Email

**NOTE What if the abatement contains Holiday and/or Sick pay?**

Holiday and/or Sick pay needs to be abated over the period (days) it relates to.

When an employer has made payment of holiday and/or sick pay during a period the client is unable to work, they should be asked whether the leave can be reinstated. If this is possible, the client should be asked to refund the holiday and/or sick pay to the employer.

If the employee refunds the leave payment to the employer, seek written confirmation from the employer detailing:

- the total leave payment the employee is refunding
  - the period the leave covers
- Alternatively, ask that the client and employer complete an ACC5791 Declaration for the repayment of weekly compensation and reinstatement of leave.

If confirmed, we would not abate the Holiday and/or Sick pay. If the client has been paid for that period already, consider the abatement as complex.

- ACC5791 Declaration for the repayment of weekly compensation and reinstatement of leave**

**NOTE What if the abatement information provided by the client contains a gap in dates?**

If payment for those dates are held for abatement there is a risk of an overpayment being made. Contact the client to clarify if they did work for those dates and gather abatement information if required.

- b** Determine if the abatement is Simple or Complex.

**NOTE What is the difference between Simple and Complex abatement?**

Simple abatement is when the below apply:

- You have either received an earnings rate, amount, percentage, or hours from the client or negotiated one with the client and employer
- The client has not been paid for any part of the payment period that the abatement will be applied to.
- If backdated abatement applies, the period is less than 90 days.
- The client only has one employer or is Self-employed/Shareholder.
- The employment work type is either permanent or non-permanent employee.

All other abatement earnings details are complex. These include:

- periods where holiday pay or termination pay apply
- periods with Bonus payments, back pay, directors fees or other allowances apply
- commission payments
- Section 60 Permanent Incapacity claims or weekly comp payments with a S60 component
- abatement where the client is lower level CPX
- any earning type with mixed earnings sources and/or multiple employers
- abatement washups. Where the client is self-employed/shareholder and have been on weekly compensation for their full financial year.

- c** Proceed to step 3.0 if the abatement is considered 'Simple'.
- d** Create an Abate Weekly Comp Employee or Abate Weekly Comp Self-Employed for a complex task (if it is a MyACC task you can use that task and send it to the Centralised Weekly Compensation queue). Make sure to include the details in the note below in the task:

**NOTE What to include in the Abate Weekly Comp Employee or Abate Weekly Comp Self-Employed task**

- Employer name
- Post incapacity period from and to dates
- Gross income amount, or percentage of earnings capacity, or work hours and hourly rate where required
- Work pattern if the post incapacity earnings are not from the current employer
- Attach any relevant documents (for example ACC038, ACC206 or ACC040)

**3.0 Add, Review and Calculate (Simple)**

Recovery Team Member

- a** Add the abatement in the Weekly compensation subcase in Eos using the system steps below


 Simple abatement system steps.pdf

**NOTE What if the client has a new post incapacity employer?**


You will need the new employer name, work pattern and hourly rate. When adding abatement you will need to add the new employer to apply abatement. As this is not the pre-injury employer you can only apply abatement using amount.

**NOTE What if you need to add more abatement periods to an employer?**

You can add multiple abatement periods to an existing employment. For example, if you have been provided with a month of earnings information rather than a week.

 Simple Abatement Steps

- b** Create an 'Approve Weekly Compensation Entitlements' task and edit the description, noting your action and what needs to be approved by the Payments team.

 Add an approval task

**NOTE What information should you include in the approval task to the payments team?**

The abatement periods (to-from date) and the gross amount (\$).


If you are putting through hours or percentage this will need to be included in the task in replacement of the \$ amount.

The task will auto generate in to the Centralised Weekly Compensation Approvals queue for the Payments Team to approve.

**3.1 Add, Review and Calculate (Complex)**

Experienced Payments Assessor, Payments Assessor


- a** Create the abatement in Eos.
  - If the abatement is for the current pre-incapacity employer, use the pre-incapacity work pattern from the collection point for that employer.
  - If the abatement is for a new post-incapacity employer, use the new post-incapacity work pattern provided.

 Add post incapacity earnings for abatement

**NOTE What if the abatement applies to a period that has already been paid?**

You will need to create an abatement period for earnings that have been received and enter the post incapacity earnings. For PAYE earner types, pay particular attention to the payment cycles due to a mix of monthly reporting and pay day reporting cycles, which may introduce 'extra pays' depending on the pay day filing cycle. Use the RTE calculation tool to determine what earnings qualify for abatement.

Eos will recalculate the payment period and if the client has been overpaid, the overpayment will show as part of the recalculation. Refer to the Recalculation Weekly Compensation process.

 **PROCESS** Recalculate Weekly Compensation

**NOTE What if there is more than one employer with abatement to apply?**

Add the abatement for each employer and ensure you use either the ongoing abatement indicator, or create a non-payable period and leave in place until the abatement can be confirmed for all employments.

**NOTE What if the abatement contains Holiday and/or Sick pay?**

Holiday and/or Sick pay needs to be abated over the period (days) it relates to.

When an employer has made payment of holiday and/or sick pay during a period the client is unable to work, they should be asked whether the leave can be reinstated. If this is possible, the client should be asked to refund the holiday and/or sick pay to the employer.

If the employee refunds the leave payment to the employer, seek written confirmation from the employer detailing:

- the total leave payment the employee is refunding
- the period the leave covers

Alternatively, ask that the client and employer complete an ACC5791 Declaration for the repayment of weekly compensation and reinstatement of leave.

If confirmed, we would not abate the Holiday and/or Sick pay.

- 📄 ACC5791 Declaration for the repayment of weekly compensation and reinstatement of leave

**NOTE What if the abatement contains Termination Pay?**

Review the completed 'ACC040 Termination pay information request – employer' form on the claim and apply abatement accordingly.

We must apportion the termination payment over the number of working days it represents from the first working day after termination.

**NOTE What if the abatement contains a 'top up' from the employer?**

The 'top up' is exempt from the abatement process as long as it:

- does not relate to work performed by the employee
- represents an amount that 'tops up' the employee's weekly compensation to the level of their normal pay.

Unless all or part of the Top-up relates to work completed by the client, we would NOT include it in an abatement calculation.

**NOTE What if the abatement contains bonus payments, directors fees, back pay or commission payments?**

If a payment received during incapacity cannot be related to an equivalent period of time, the earnings will apply to the period in which it was paid (Example: one-off taxable bonus).

If a payment received during incapacity relates to a specific period of time, the payment should be considered as earnings in that period (whether that be pre or post incapacity), dependent on when it was paid (Example: commission).

- If a payment is related to a period within an income year (1 April to 31 March) and the payment is also made within that same income year, we will consider the earnings in the period they relate to.

- If a payment is related to a period within an income year (1 April to 31 March) but is paid in a later income year, the payment is considered earnings in the period in which it was paid.

- If a payment is related to a period across income years (Example: relating to 01 March to 30 April) and paid in that later income year, the payment that relates to the previous income year (in this Example: 01 March to 31 March) will be considered earnings in the period in which it was paid, and the payment that relates to the current income year in which it was paid (in this Example: 01 April to 30 April), will be considered earnings in the period it relates to.

This is because subject to the income tax legislation, the Accident Compensation Act 2001, section 9 specifically defines 'earnings as an employee' in relation to each income year, which is 1 April to 31 March.

**NOTE What if the post incapacity earnings are earned overseas?**

Then enter the overseas income after you have calculated the correct amount in New Zealand dollars using the current exchange rate. In the 'Additional Notes' section, record the exchange rate you have used in the calculation and the date you did the calculation.

- 📄 Exchange rate information should be taken from the Crown Revenue website  
<https://www.rbnz.govt.nz/statistics/b1>

**NOTE** What if you receive a system alert “Please determine whether clients section 60 weekly compensation is greater than the weekly compensation calculated on this claim for each period. A Don't pay period type with reason ‘Overlapping WC period’ must be used to prevent weekly compensation being paid on the claim that calculated the lesser amount” when I clicked on the abatement tab?

- Subsequent injury weekly comp rate after abatement is higher than section 60 payment (per period):

Continue payments for applicable periods on subsequent injury claim. You will need to consider which claim is the higher rate for each period during any subsequent reassessment.

- Abated rate is now less than the section 60 payment:

You will need to manage any periods previously paid or not yet paid to ensure the client receives the correct payment amount. Because these weekly compensation entitlements are managed on separate claims Eos cannot automatically adjust payments.

For each period that has paid, apply a manual override using the Section 60 rate as the 'Amount' - Go to Apply a Top Up or Override Payment procedure.

Overpayments will result from the manual override action. Manage these as per the normal debt process, go to Assess Client Overpayment procedure. If the decision is to recover the debt from ongoing entitlement you may need to transfer the debt to Oracle and have C & R manage this from the Section 60 entitlement. Ensure you provide enough clarification in the task to C & R.

For each period that hasn't yet paid, edit the payment period and apply the 'Do Not Pay' - 'overlapping WC period' status for all applicable periods. On the Section 60 claim, from the date of the last payment, edit each applicable payment period (previously set to 'Do Not Pay' - 'overlapping WC period') to 'Calculate and Pay'. Review the calculated payments and initiate payments for approval. Be sure to provide enough information in the description of the task.

You will need to suppress the automatic payment notification and send the client a manual payment notification letter explaining the outcome of this decision on their weekly compensation entitlement.

You will need to consider which claim is the higher rate for each period during any subsequent reassessment.

**NOTE** What if the client has a CPX LLWC or Time-Out policy?

We will need to calculate and apply abatement manually.

- Take the policy amount and multiply by 1.25 to get the 100% rate.
- Manually calculate the new rate by applying the abatement formula to the entitlement amount
- Reduce the override amount to the new calculated rate after abatement has been applied.
- Add a contact or upload your workings into Eos for future reference.

**NOTE** What if you received a 'Confirm Abatement reminder task to consider a tax year abatement wash up for the self employed or Non PAYE shareholder earnings?

Review the claim, JUNO and run and review an RTE to confirm the self employed or Non PAYE shareholder earnings. Load the tax year earnings as abatement (remove the relevant already loaded abatement). Consider checking with managing site if your action is likely to raise an overpayment. Ongoing/running abatement may need to be considered for the claim.

**NOTE** What if you received an 'Alert: You have mail task from MyACC for Business?



Open the attached copy of the email submission through MyACC for Business and load the abatement from that.

**NOTE** What if the client will be receiving earnings beyond the first abatement period?

Then select the 'Ongoing abatement' indicator when you are adding post incapacity earnings information to prevent future periods being paid without abatement being calculated.

**NOTE** What if I need to add more abatement periods to an employer?

You can add multiple abatement periods to an existing employment.

-  Retrieve earnings from IR
-  View collection point details (CSD Frontline)

**b** Review post incapacity earnings and employer summary

**NOTE** What if the summary is incorrect?

Amend the following details as required:

- Employer details
- Effective from and to dates
- The amount and frequency of the abatement
- The ongoing abatement indicator is set if there's an on-going abatement

**c** Review the entitlement to ensure that the correct period has been abated and initiate the payments for approval.

-  Initiate payments for approval

**d** Initial and transfer your actioned Abatement task to the Centralised Weekly Compensation Approvals queue so that the payments can be approved.

---

 **PROCESS** **Approve Weekly Compensation Entitlement**  
Payments Assessor

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# Negotiating Abatement for Employees' guidelines

## Introduction

Negotiated abatement is about providing flexibility and autonomy to work directly with clients and their employers in advance of the clients return to work (RTW). This will ensure that the client is paid continuously and consistently during the period that they are returning to work as payment is not dependent on receiving new information each week.

The existing business processes will still be available to staff so that they can be used if the employer is not willing or able to negotiate an agreed abatement and prefers to complete the ACC038 each week, or if there is likely to be a significant overpayment resulting in debt recovery as a result of the negotiated abatement process.

This option is not available for self employed clients, see: [Negotiate percentage earning capacity or earnings amount](#)

## When to use

Use these guidelines:

- when our clients are returning to work with some partial incapacity
- and/or to proactively manage a client's RTW so they'll have certainty of when and how much they'll be paid, and what portions of their payments are made by their employer and what portions are made by ACC.

## Key principles

Throughout the client's return to work period the case owner will have regular contact with both the client and the employer. This contact can be used to check that everyone is satisfied with the negotiated abatement, and, if necessary, it can be re-negotiated without the need for forms. An email is sufficient to confirm the agreed abatement details.

## Benefits

- By negotiating in this way we are able to treat the functional and financial elements of a return to work plan as separate pieces working towards the same goal to achieve the best outcome for all of the parties involved in a client's return to work.
- There is no need to stop weekly compensation when setting up abatement, which ensures continuity of payments.
- Case owners are able to negotiate a level of earnings for abatement with clients and employers so that before our clients are even ready to return to work, they'll have certainty of when and how much they'll be paid, and what portions of their payments are made by their employer and ACC.

- Case owners have the flexibility to adjust abatement and re-negotiate with clients and their employers, so that if for any reason circumstances change, case owners can respond quickly and provide certainty for their clients and employers.
- Employers will have certainty around what their financial contribution is, when their injured employee will return to work, and how many hours they'll work while they're still recovering.

## What to consider

Consider which abatement approach may be appropriate:

- An hours-based abatement may be the most appropriate approach if the employer is happy to pay for the hours that the employee works.
- Some employers may be more comfortable negotiating based on a percentage of normal duties – you will then need to convert the percentage into the dollar amount for processing purposes.
- A RTW plan and abatement are two different components (functional and financial) working towards the same goal, the client's full return to work. They don't need to be strictly aligned. You can negotiate abatement to whatever achieves the best outcome for the client and employer.
- If there is a Stay at Work or Graduated Return to Work Programme in place, this can provide a good framework for negotiating abatement. However negotiation can be used with any RTW plan.
- Encouraging a gradual abatement increase over the return to work period gives a more accurate reflection of the client's rehabilitation and helps set expectations.

There is no requirement to follow up with an ACC38 as the intention is you will be in regular contact with the client and employer which will provide you with the opportunity to identify if the agreement needs to be revised.

### Example

Judy has badly sprained her ankle. In her role she processes orders in a large shop and is also required to re-stock shelves. She normally works 40hrs per week at \$30 per hour. She's on the mend and is on a 6-week RTW plan:

#### Weeks Work duties

- 1 & 2 Sedentary work, 4 hours/day, 5 days a week
- 3 & 4 Moves to 6 hours/day for 5 days with more mobility: serving people but no stocking
- 5 7 hours/day no re-stocking
- 6 7 hours/day full duties

- While Judy will work 20 hours in each of the first two weeks, her contribution is not 100% of her normal duties so it's reasonable to negotiate a percentage abatement for each week with the employer.
- The employer has the RTW plan and you call them to agree the payment schedule.
- We don't ask the employer to complete ACC038s.

- We make sure both the **client's manager and their payroll person** know about this plan – this must be confirmed by email. Please ensure the emails are only sent to verified email addresses.
- We complete an Abatement task outlining the six weeks of the agreement. We note the agreed hours and monetary amounts for each week.

POST INCAPACITY EARNINGS - EMPLOYEE

Employer Name

Gross taxable earnings for actual hours worked					
Period #	Period Type	Hours Worked	From Date	To Date	Gross Amount Paid (\$)
Period 1	Week	25%	04 JUL 2016	10 JUL 2016	\$300.00
Period 2	Week	25%	11 JUL 2016	17 JUL 2016	\$300.00
Period 3	Week	50%	18 JUL 2016	24 JUL 2016	\$600.00
Period 4	Week	50%	25 JUL 2016	31 JUL 2016	\$600.00
Period 5	Week	75%	01 AUG 2016	07 AUG 2016	\$900.00
Period 6	Week	100%	08 AUG 2016	14 AUG 2016	\$1200.00
Period 7	Not Selected				

- Traditional dollar based abatement is also available but negotiate these amounts up front, rather than requiring an ACC038 each week.

In some cases the employer may be reluctant to have the client back to work in any capacity - the case owner will need to use their discretion to determine if the best approach is to undertake a “work trial” for the first week, or explore other options

Several factors will influence which approach the employer is comfortable with, including whether the client is able to:

- return to their substantive role but on reduced hours
- return to work on light duties and reduced hours
- work full-time but on light duties.

**Exclusions from negotiating abatement for employees:**

- Commission based
- ERA
- Self employed, see: [Negotiate percentage earning capacity or earnings amount](#)
- Shareholder employee.

**Risks and mitigation**

To reduce the risk of creating client overpayments:

- Make sure that the payroll person is always aware of what the abatement agreement is.
- Ensure you are regularly in contact with the client and that they are aware that if their circumstances change and the employer pays more than the agreed arrangement then there may be an overpayment, which will be recovered by ACC.

**Abatement calculator tool**

The [abatement calculator](#) has been created to assist you to negotiate the employers portion of earnings eg if the client has RTW full time but is only able to perform 50% of their duties then the calculator will assist to work out the employer's contribution.

**Abatement for clients working overseas**

Negotiated abatement may be an option when you have a good working relationship with the client's employer overseas however, in most situations see: Abate overseas earnings.

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# Negotiate percentage earning capacity or earnings amount

## Introduction

Negotiate percentage earning capacity or earnings amount is one of three actions that can be used to estimate earnings during incapacity.

See:

- [Compare hours worked](#)
- [Assess earnings for the first income year procedure.](#)

## Method

### Step 1

Arrange an interview with the client. There are no precise rules for setting the percentage or estimated earnings, but the client needs to be involved in the process.

### Step 2

During the interview, give the client fact sheet [FSWC05 Earning while on Weekly compensation](#) (114KB) and explain the following:

- when a person is continuing to work or receive earnings during incapacity, ACC is required to apply abatement
- if they cannot provide accounts for actual income less expenditure, ACC need to estimate their level of earnings during incapacity
- ACC need to agree on a percentage or dollar value that reflects the amount of earnings they are continuing to earn during each week of incapacity
- if ACC can not agree on a percentage or amount, ACC will make weekly payments based on an interim estimate of earnings, which may be adjusted at the end of the tax year. See [Determine earnings if no agreement.](#)

### Step 3

Together with the client, complete an [ACC207 Self-employed work tasks declaration](#) (155KB) to get a breakdown of their:

- normal pre-injury activities
- post-injury activities.

### Step 4

Use this information to nominate a reasonable percentage or amount representing their continued ability to work and earn.

### **Step 5**

Where a percentage is agreed, calculate weekly earnings during incapacity (W) as follows:

$$E \times P = W$$

E = pre-incapacity weekly earnings

P = agreed percentage ability to work and earn

W = average earnings per week during incapacity

### **Step 6**

Use this figure for abatement.

### **Step 7**

If the client is taking more time to complete activities than before their injury, this should be acknowledged. This may be reflected by the need to have replacement labour, even though they are still having input into the business or company

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# Weekly work hours declaration

This form will help us work out what weekly compensation we can pay you. Please give us an estimate of your earnings based on the number of hours you've worked in the past week. We ask that you:

- provide as much information as you can
- let us know before you do any paid or unpaid work or increase your work hours
- read, sign and return the form to us at the details below.

## 1. Your details

Client name: [AUTO: Client full name]	Claim number: [AUTO: Claim number]
Address: [AUTO: Client address]	

## 2. ACC details

ACC staff member: [AUTO: Staff member]	ACC office: [AUTO: ACC office]
Contact phone number: [AUTO: Phone number]	Email address: [AUTO: Email address]

## 3. Work details

Please tell us:

- the days and hours you worked during the last week
- the start and finish times. If you worked more than one job then list the start and finish times for each
- the type of work, eg paid or unpaid, input into your own business, etc.

Day	Date	No. of hours worked	Start and finish times	Type of work
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				
Saturday				
Sunday				

## 4. Client declaration and signature

I understand that:

- my weekly compensation can change based on the hours I work
- the combined total of my weekly compensation and my earnings while I am injured cannot be greater than what I was earning before my injury
- my weekly compensation will be reassessed at the end of the financial year
- if I'm paid too much weekly compensation I will be asked to repay any overpayment
- it's an offence to make a false statement to ACC, or to wilfully mislead or attempt to mislead ACC staff.

I declare that the information given above is an accurate statement of my working hours.

Client signature:	Date:
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When we collect, use and store information, we comply with the Privacy Act 2020 and the Health Information Privacy Code 2020. For further details see ACC's privacy policy, available at [www.acc.co.nz](http://www.acc.co.nz). We use the information collected on this form to fulfil the requirements of the Accident Compensation Act 2001.

# Earnings certificate for assessing abatement



Weekly compensation is reduced by abatement when a person continues to earn during a period when they are receiving weekly compensation from ACC. Please provide details of your employee's earnings to assist ACC in applying abatement. If you have any difficulty or wish to discuss this claim, please contact the ACC office below. Please make sure that all details are complete and accurate.

Employer contact details	ACC contact details
--------------------------	---------------------

### 1. Employee details

Name [Claimant full name]      Claim number [Claim number]

ACC is seeking earnings details for this employee from ...../...../.....

### 2. Earnings details

Latest rate of pay \$\_\_\_\_\_ per hour / week / year. **(Please circle one)**

What were the **gross weekly taxable earnings** paid to the claimant in your employment for the **actual hours worked**? Include all overtime, taxable allowances and taxable benefits. Do not include non-taxable items.

Week	Actual hours worked	From	To	Gross Amount paid
One		...../...../.....	...../...../.....	\$
Two		...../...../.....	...../...../.....	\$

Were there any extra earnings (other than for work actually done) in this period?

- (a) Holiday pay:      No  Yes       \$ \_\_\_\_\_:\_\_\_\_\_
  - Number of days: \_\_\_\_\_ from ...../...../..... to ...../...../.....
- (b) "Top up" to normal wage:      No  Yes       \$ \_\_\_\_\_:\_\_\_\_\_
- (c) Bonuses, back-pay, director's fees or other allowance:      No  Yes       \$ \_\_\_\_\_:\_\_\_\_\_
- (d) Commission:      No  Yes       \$ \_\_\_\_\_:\_\_\_\_\_

Are these extra earnings included in the table above?      No  Yes

### 3. Change of circumstances

Do you anticipate any change in this employee's rate of pay?      No  Yes

Date effective from: .....

### 4. Employer declaration

I declare that to the best of my knowledge the information given on this form is complete, true and correct, and that I shall advise ACC of any variation in earnings, or any factor likely to affect the claimant's entitlement to compensation.

Name..... Position ..... Phone.....

Signature .....

Date.....

Company Stamp

*The information collected on this form will only be used to fulfil the requirements of the Accident Compensation Act 2001. In the collection, use and storage of information, ACC will at all times comply with the obligations of the Privacy Act 1993 and the Health Information Privacy Code 1994.*

#### Office use

CM stamp

Signature.....

Date ...../...../..... Pay Day: M /T /W /Th/ F



# Declaration for the repayment of weekly compensation and reinstatement of leave



Please complete the details and declaration below and return the form in the reply-paid envelope.

If you have any questions please go to [www.acc.co.nz](http://www.acc.co.nz) or call us on 0800 101 996.

<b>1. DECLARATION</b>	This form was completed on:
<p>The undersigned have entered into the following agreement.</p> <p>(employee) has agreed to repay (employer) the money advanced while waiting for weekly compensation to be paid by ACC. Any leave relating to these payments will be reinstated.</p>	
<b>2. EMPLOYEE DETAILS</b>	
Name:	
Address:	
Signature:	
Date:    /    /    (day / month / year)	
<b>3. EMPLOYER DETAILS</b>	
Employer name:	
Name of authorised signatory:	
Signature:	
Date:    /    /    (day / month / year)	
Employer stamp:	

When we collect, use and store information, we comply with the Privacy Act 2020 and the Health Information Privacy Code 2020. For further details see ACC's privacy policy, available at [www.acc.co.nz](http://www.acc.co.nz). We use the information collected on this form to fulfil the requirements of the Accident Compensation Act 2001.