Submission on A New Zealand Income Insurance Scheme

Your name and organisation

Name	
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	Privacy of natural
	persons

Responses to consultation document questions

Chapter 4 - How a new income insurance scheme could achieve our objectives (Pg 30-48)

The Forum considers the benefits of income insurance for job loss due to displacement or health conditions would outweigh its costs.

Do you agree New Zealand should introduce an income insurance scheme for displacement and loss of work due to health conditions or disabilities?

YES

For success must be broadly based, and not exclusionary. Must prevent too high a bar being developed to meet criteria for acceptance of claim.

It has been reported that women, Māori and Pasifika had difficulty meeting criteria of ACC and the COVID-19 income. Commerce Commission has reported that many low waged New Zealanders have not claimed for welfare assistance because they were not aware they had entitlements or found the welfare system/ACC too intimidating or did not wish to become a beneficiary. Because their claims were refused or they did not pursue entitlement, they missed out achieving a better living standard and prospects. We all missed the input into the economy that would have eventuated if they had received their entitlements.

The definition of health conditions needs to cover addiction, to allow workers to apply for rehabilitation from conditions such as alcoholism and drug abuse.

Chapter 5 – Honouring Te Triti o Waitangi (Pg 49-51)

Kawanatanga – Good governance and partnership

2 How can we ensure the proposed income insurance scheme honours Te Tiriti o Waitangi?

The proposal comes from a tripartite forum. Engagement with Māori groups in the formative stages of the NZIIS has not been sought. Māori views are not represented so you would have to go back to the drawing board to honour Te Tiriti o Waitangi, which could be done post this first round of submissions by inviting Māori delegates for preliminary discussions prior to legislation being introduced, and inclusion of key representatives supporting Māori interests in the select committee.

What are the opportunities for partnership and Māori representation in the proposed income insurance scheme's governance and operations?

Seek Māori and Pacifica, and migrant input before implementing. Need to ensure relationships with Māori are set up to ensure the Māori perspectives and concerns are embraced in accordance with Tikanga.

Concerns are that NZIIS will put a dampener on the much needed reforms to the Welfare system, and create exclusionary boundaries between non-earners, entitlement to NZIIS and current welfare system (particularly relationship status) will be unfavourable for Māori.

How can we ensure equity of access, participation, and outcomes for Māori in the proposed income insurance scheme?

Recognise the difficulties Māori have had in gaining access to welfare, understanding the difficulty Māori had with entitlement to COVID-19 income relief payment and ensuring a pathway to realising entitlement.

5 How can we reflect and embed te ao Māori in the proposed income insurance scheme's design?

By building relationships with appropriate Māori organisations to ensure their voice is heard.

The proposed income insurance scheme is more about preserving income status of those in work for a brief period of 6 months (pus one month of employer contributions) to enable reintegration into the workforce. The NZIIS does not recognise the contributions of non-earners in any way, nor does it address the wider community context in which Māori contextualise things. Embedding te ao Māori would require a different approach.

Chapter 6 – Coverage for displaced workers (Pg 53-72)

Displacement and standard employment (full- and part-time permanent employees)

Do you agree with defining displacement as the involuntary loss of work due to the disestablishment of a job?

YES

There must be emphasis on a compassionate approach versus free market on effect of job losses and employment practices.

Do you agree with excluding poor performance and gross misconduct as reasons for claiming insurance?

NO Do not agree with poor performance being excluded, as the reasons for poor performance can include discrimination by the employer, poor training and poor job placement of the employee in the first place by the employer, and lack of suitable alternative placement. The advantages of placing an employee who has demonstrated poor performance on the NZIIS would be access to appropriate opportunities and training for employment in a role appropriate for that person leading to better utilisation of people as NZIIS is intending to do. Workers who have been deemed to be performing poorly should be able to claim. NZIIS would provide an opportunity for

identification of their skills, appropriate placement and training as required with concurrent societal benefits.

YES for gross misconduct. Although have concern on what the grounds for 'gross misconduct' would be. There would need to be opportunity for the employee to dispute that classification, and checks to ensure it is not being used prejudicially.

B Do you agree with excluding resignation as a reason for claiming insurance?

YES Noting that resignation is a brave step for any employee to take as they are not entitled to welfare either when they may well have had very good reason to leave their job. A better solution would be when a person resigns they are immediately registered by ACC and immediately (following final day of work) entitled to assistance in finding new employment opportunities.

Coverage provided for complete job loss only

Do you agree that income insurance should cover only the complete loss of a job, and cover situations where a person loses only one of several jobs that they hold?

NO, if a person is reassigned to lower hours from previous number of hours per week there should be compensation up to 80 percent of the original hours per week. E.g. 1.0 FTE goes to 0.5 FTE would get 0.3 FTE compensation as well.

YES, cover situation where a person loses one of several part time jobs. Should get 80% of that part-time job lost.

Do you agree that insurance would be payable only where income loss was greater than a minimum threshold, such as a 20 percent loss of total earnings, counting income from all of their jobs?

NO, as above.

Displacement and non-standard employment – a principle-based approach

Do you agree that it is important to provide income insurance coverage to non-standard workers, where practical?

YES Non-standard working arrangements means casual work.

Do you agree that income insurance should cover the 'loss of reasonably anticipated income'?

YES Fixed term means the length of their remaining employment, and for fixed-term workers would mean the length of their remaining employment agreement. A succession of fixed-term agreements with one employer would be equivalent to permanent employment. (Page 59)

Do you agree that income insurance entitlements should be based on an 'established pattern of work'?

YES

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Coverage provided for fixed-term and seasonal employees

Do you agree that income insurance should cover fixed-term and seasonal employees if they are displaced before the end of an employment agreement, with the duration of the payment running to the scheduled end of the employment agreement, or the maximum insurance entitlement duration, whichever is shorter?

YES

Do you agree that income insurance should cover fixed-term and seasonal employees, where their employment agreements are not renewed, and they can show a regular pattern of work and reasonable expectation of future income?

YES - Except that the emphasis on a regular pattern of work should be more orientated to the nature of industry concerned. For example, if the industry is seasonal rather than if the employee has worked more than one season.

Coverage provided for casual employees

Do you agree that income insurance should cover casual employees who can show a regular pattern of work with an employer and a reasonable expectation of future income?

YES to coverage of casual employees with history of regular work, NO to reasonable expectation of future income, as most employees do not have any guarantee of future income.

How would these design choices work in practice? What risks can you see with the approach to establishing a regular pattern of work?

The employee gains work if there is an opportunity on the day. The choice is not in their hands. For example, a trades person waiting for an opportunity for day work on a building site. Too much room for exclusion by the insurer. Should be judged on regularity of previous work in last 6 months to 12 months.

Coverage for self-employed workers

18 What risks do you see with covering, or not covering, people in self-employment?

No more risk than covering seasonal or casual workers. Essential to cover people in selfemployment as the majority are low earners and will be most in need of coverage. 19 Are there some groups of self-employed who should and should not be covered?

All self-employed people registered with Inland Revenue and have been receiving income during the past 12 months should be covered.

How can we practically distinguish between contractors who resemble employees, and those with a high degree of independence?

Contractors who resemble employees are generally working 40 hour week and contracts roll over. What we need are rules to have these people employed as regular employees.

Because a self-employed person cannot technically be made redundant, what types of events would be appropriate 'triggers' for insurance payments?

Sickness or disability that made them unable to work, just as is covered by ACC now in the event of an accident, and/or loss of contract/contracts

22 How do you think the levy should be collected from self-employed workers?

Just per dollar earned as with any other. Collected concurrently with income tax deduction like ACC.

A modest minimum contribution period

Do you agree with the proposed minimum contribution period of six months over a period of 18 months preceding the claim?

NO

Limits on subsequent claims

24 Do you agree limits should be placed on the number claims people can make?

NO – it is self-limiting to a degree due to 7 month span and needs to be flexible enough to cover situations where people lose part-time work in stages. For example, a person working at three restaurants each of which closes down a few months apart. Or where people pick up work and then about a year later lose it due to business closure, which can happen successively if there is a business downturn as in COVID.

Do you agree with limiting claims to a total of six months within an 18-month period?

NO, as above

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Low contribution history is due to total time engaged in paying work and in this light is similar to casual and part-time employees or those on very low wages. It would seem you are talking about risk to the insurer rather than risk to the individual. Those on the lowest wages, with intermittent work are the ones most in need of income security.

Coverage for New Zealand citizens and residents Do you agree with limiting coverage of the proposed income insurance scheme to New Zealand 27 citizens and residents? NO, must cover all those entitled to work in New Zealand. To ensure New Zealand workers are not disadvantaged by lower cost international workers, do you agree that working holiday makers, international students and temporary work visa holders — 28 and their employers - should contribute to the proposed income insurance scheme's costs? YES Chapter 7 – Entitlements for displaced workers (Pg 73-95) Income caps and income replacement rates that match the accident compensation scheme 29 Do you agree with a replacement rate set at 80 percent? YES Do you agree with a cap on insurable (and leviable) income set at the same rate as the accident 30 compensation scheme (currently \$130,911)? YES, as long as this is the limit for each individual making the claim, not set at total household income. Only personal exertion income would abate (reduce) insurance entitlements Do you agree that only the insurance claimant's personal exertion income should affect their 31 insurance entitlements? YES Do you agree that income insurance should have individualised entitlement, meaning a partner's 32 income would not affect the rate payable? YES All should be treated the same - no means test, or relationship qualification. NZIIS does offer this; 'no fault; involuntary loss of work', reducing impact of sudden large income loss, individual entitlement – one partners entitlement does not affect another partners entitlement. There is no asset testing.

To this degree meets the recommendations of the Welfare Expert Advisory Group (WEAG) report

Abatement rates would ensure a claimant is not financially better off as a result of their loss of work

of 2019

Do you agree that someone should be able to earn some income from paid employment before it affects their entitlements to income insurance?

YES

Do you agree that insurance should abate 'dollar for dollar' when earned income and insurance combined reach 100 percent of previous income?

YES

Insurance would generally be treated as income, to determine eligibility for welfare and student support

Do you agree that insurance should be treated as income for assessing eligibility for income support such as main benefits and Working for Families tax credits and student support?

NZIIS entitlements only last for 7 months (including employer contribution). What happens after this time, particularly for the chronically ill and the disabled who cannot return to work? And what happens during and after when there is the complexity of existing welfare entitlements?

The NZIIS/welfare interface includes huge risks of entrenching poverty and discrimination particularly for the sick, the disabled, women and children, mindful that the payment of insurance to the individual will alleviate the unfairness of non-entitlement due to relationship status which is a major issue in the current welfare system. Although this would only be alleviated for the time the person was receiving insurance payments (7 months).

In principle NZIIS should not replace welfare \$. See page 45 of NZIIS proposal where it is stated that the intention is to get the interactions between existing benefits, tax credits and other support right. At present the welfare system treats insurance as income and adjust welfare payments accordingly. This is an area which will need work to ensure outcomes are equitable.

Given the purpose of the In-Work Tax Credit and Minimum Family Tax Credit in encouraging people into employment and helping with in-work costs, do you agree that income insurance claimants would not be eligible for these tax credits?

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NO – this is a complex area as described above. Family Tax Credits is long overdue for review.

Insurance claimants could also receive New Zealand Superannuation or the Veteran's Pension

Do you agree that income insurance claimants could also receive New Zealand Superannuation or the Veteran's Pension?

YES, as their employment does not affect their superannuation entitlement (except in terms of taxation) and they are only being compensated under NZIIS on the earnt income.

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Do you think a limit should be placed on the amount of time someone can receive New Zealand Superannuation or the Veteran's pension and income insurance?

NO, only time related to the NZIIS (6 months) would be the same as everyone else (no matter what age) in terms of money earnt from employment

Where eligible, insurance claimants could choose whether to access Paid Parental Leave or income insurance and may receive both sequentially

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Do you agree that income insurance and Paid Parental Leave could be accessed sequentially but not at the same time?

YES, as long as when the person was made redundant while they were on Paid Parental Leave they would remain eligible for Income Insurance

Insurance claimants could also receive ACC weekly compensation where it covers a different income loss

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Do you agree that claimants should be able receive both ACC weekly compensation and income insurance at the same time for differing income loss subject to independently meeting the eligibility criteria for both?

YES if the two income streams are completely separate as they would get the same 80% in total.

A sufficient base entitlement period

Do you agree with a base insurance entitlement length of six months, plus a four-week bridging payment paid by the employer?

YES

Would you support a longer or shorter length of base insurance entitlement?

LONGER: Would support longer in terms of rehabilitation to re-enter the workforce.

Extending the maximum period in specified circumstances

Do you think the scheme should allow extensions to the base period of income insurance entitlements for training or vocational rehabilitation?

YES

Enhancing the income insurance scheme with notice periods

Do you agree that employers should give at least four weeks' notice to employees, and the 44 insurer, before redundancy takes effect? YES Avoiding unnecessary redundancies Do you agree that employers should pay former workers for the initial period of unemployment 45 for four weeks? YES Should bridging payments be applied to all workers, including those not eligible for income 46 insurance? Should the income insurance scheme finance bridging payments in circumstances where the 47 payments are not forthcoming from employers, and refund employers for bridging payments if workers find work within this period? YES for the first part. NO for the second part. As it is now an employee can accept another work opportunity whenever that arises during employment, following redundancy or resignation while the job they are leaving is being scaled down or during the period following receipt of a final pay, so this should stay the same. Do you consider that stronger integrity measures are necessary to manage the risk of spurious 48 claims to the income insurance scheme? NO, you do not want to make the no fault application procedures so onerous that no-one could meet them and spend your time chasing people up. Application should include the employer, and medical adviser in cases of sickness and disability notifying ACC of circumstances in conjunction with the employee. Stronger integrity measures can often lead to discriminatory processes locking Māori and Pasifika and women out of claims and may not be subject to public notification or consultation processes.

Chapter 8 – Coverage and entitlements for loss of work due to health conditions or disabilities (Pg 96-112)

No restrictions on the types of conditions covered by the income insurance scheme

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Do you agree there should be no restrictions on the types of conditions covered by the scheme?

YES

Noting that the definition of health conditions needs to cover addiction, to allow workers to apply for rehabilitation from conditions such as alcoholism and drug abuse.

No restrictions on the working arrangements covered by the scheme

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Do you agree that all work arrangements should be covered (assuming other eligibility criteria are met)?

YES

Coverage for loss of at least 50 percent of capacity to work, for at least four weeks		
51	Should the scheme cover partial loss of earnings due to a health condition or disability reducing work capacity?	
	YES	
52	If partial loss is to be covered, do you agree claimants should have at least a 50 percent reduction of capacity to work caused by a health condition or disability and that reduction is expected to last for at least four working weeks?	
	NO at least 20 percent reduction in capacity	
Claimants' medical practitioners would assess work capacity, with final eligibility assessed by the scheme administrator		
53	Do you agree that the claimants' health practitioner should be main the assessor of work capacity?	
	YES	
54	Do you agree that, where appropriate, employers could provide supporting information to inform the claimant's work capacity assessment process?	
	NO, due to the words 'where appropriate' – too much leeway.	
Employers would remain responsible for taking reasonable steps to support an employee to continue working		
55	Are the current requirements on employers to make workplace changes sufficient to allow health condition and disability claimants to return to their regular employment (or alternative work)?	
	NO	
56	How could employers be supported to help workers with health conditions or disabilities to remain in or return to work?	
	BUSINESS need to factor in their responsibilities to assist employees to remain in work. Business forums.	

Employers would be expected to make reasonable efforts to keep a job open where a return to work within six months is likely

Where an employee must stop work entirely because of a health condition or disability, do you think employers should be expected to keep a job open and help with vocational rehabilitation where a reasonable prognosis is made of return to work within six months?

YES

58 Should this be a statutory requirement placed on employers or an expectation?

A statutory requirement to keep the job open without the condition of 'reasonable progress'.

The scheme would generally meet the full cost of income replacement once a claim is accepted

Do you agree that employers should only pay a bridging payment to employees leaving work because of a health condition or disability when the employment is terminated by the employer?

YES

Chapter 9 – Insurance claimants' obligations (Pg 113-120)

Reasonable obligations for people receiving income insurance payments

Do you agree claimants should be obligated to look for work or prepare to return to work while receiving insurance?

NO, must be three-way effort between the government, the businesses in New Zealand and the now unemployed party. The burden can't be placed entirely on the claimant. They have paid a levy for entitlement to the insurance and will understand it will expire in a certain period. There must be a compassionate approach versus free market on the effect of job losses, employment practices and the state of the labour market.

Do you agree that claimants would <u>not be</u> expected or required to accept offers of employment that provide lower wages or conditions?

YES, the purpose of the NZIIS is to enable placement at previous rate of pay or higher.

Do you agree the insurer could waive obligations partially or fully where a claimant is unable to meet those obligations?

NO – the word 'obligation' is objectionable. People have got a huge incentive to take advantage of the training and guidance being offered by ACC to enable re-entry into the employment market. If a role cannot be found in 7 months (including the employer bridging month) the

claimant knows they are on a downward slide to possibly nothing under NZs welfare scheme especially if they are partnered.

Do you agree claimants should be obligated to remain in New Zealand to remain eligible for income insurance?

NO – the insurance is only for 7 months. The ability to take a holiday, or go overseas to visit family or even for training and experience overseas should not impact on them.

Do you think a period of time, such as 28 days, should be allowed for travel overseas, for example, to support ill family?

YES, but you shouldn't limit it, as above the insurance is only for 7 months. Practically speaking people are not suddenly going to use it to go overseas when the value of the insurance compensation is 80% of their previous salary and they were unlikely to have been able to afford to nip off overseas at the drop of a hat in the first place. People must have freedom of movement to engage in society and gain confidence to move forward.

Specific obligations for claimants with a health condition or disability

Should claimants with health conditions or disabilities be subject to obligations to participate in rehabilitative programmes and other support, where appropriate?

NO, object to the words 'where appropriate'. The claimant should be in a position to agree following advice from their medical practitioner. People will participate if it means a chance to recover and live life more fully. The responsibility needs to be on government and employers to ensure rehabilitative programmes are appealing to participate in, and ensure people with health and disability issues have the means to get to these programmes.

Should claimants with health conditions and disabilities be subject to obligations to search for work or undertaking training where they are able to?

NO, as above they have paid levy for this insurance and the insurance expires in a brief time. There is a fair bit of motivation to take advantage of reasonable opportunities to re-enter the workforce. The most important thing is to give guidance to people on how to search for opportunities, and if training is available and suitable for that person and they have the means to travel there given their health conditions and disabilities they are likely to take advantage of it.

Consequences for non-compliance

Do you think financial penalties should be in place for people who do not meet their obligations while receiving insurance payments?

NO, the scheme aims to provide a no-fault bridge based on most finding a job in 6-8 months and to prevent long term dislocation from the workforce.

68	Do you agree that payments could be fully suspended in cases of serious, intentional non-compliance with obligations?
	NO
69	Do you think any other consequences should be in place for people repeatedly not meeting their obligations, such as permanent suspension of entitlements?
	NO Object to the words 'not meeting their obligations'. You cannot apply obligations just to the claimant. The purpose of the insurance and the payments made by employer and worker into it are to provide a purposeful re-entry platform into the workplace for the benefit of all three parties (including government). It is a three way responsibility.

Chapter 10 - Delivering income insurance (Pg 121-134)

Independent and effective delivery

Do you think it is best for ACC to deliver the income insurance scheme alongside the accident compensation scheme?

YES

Would the income insurance scheme be better delivered by a government department or a new entity?

NO, ACC has the necessary expertise and moral underpinning of the Woodhouse Report.

Accountable and effective governance

How could employer and worker perspectives best be incorporated to strengthen the income insurance scheme's delivery for New Zealanders?

ACC needs to work with Skills New Zealand. This could be legislated and would incorporate Māori providers and be operationally covered. Micro accreditation programmes were mentioned as a critical part of retraining.

How could Māori perspectives best be incorporated to ensure the income insurance scheme is delivered equitably and with aspiration?

By engaging directly with Māori representatives, having an arm similar to the Māori Health Authority.

Displaced workers: Getting back to good jobs

74 What practical support should be available to insurance claimants to return to work?

This whole scheme is being sold as the answer to leveraging people into at least jobs at the same level to avoid wage scarring, so the onus should be on ACC and employers to provide options for people to explore and gain skills to engage in the job market.

75 Who should provide that return-to-work support?

A combination of ACC expertise in the first instance, the employer (for example government departments invest in heading people in the direction of consultants who assist people to highlight their skills and find employment options suited to the individual) and businesses developing courses (apprenticeships, supporting courses at AUT and Universities)

76 What type of claimants would need an employment case manager, and who could self-manage?

77	What do you think a 'return-to-work plan' should include?
Heal	th condition and disability claimants: Getting back to good jobs
78	What practical support should be available to income insurance claimants with a health condition or disability to return to work?
79	Who should provide that support to return to work?
80	What type of claimants would need a case manager, and who could self-manage?
Disp	ute resolution
81	Do you agree with the proposed four-step dispute resolution process for the scheme?
82	Are there specific aspects to the scheme's dispute resolution you think should be considered?
Sche	eme integrity and enforcement
83	Do you agree with the proposal to establish an effective offences and penalties framework to protect the scheme's integrity?
	NO Offences and penalties would need to uncover any wrongs conducted by the employer and the government department as well as the claimant. MBIE_MSD spend a disproportionate amount of time spying on people to determine if there has been a fraud. Will there be minimum targets set on number of frauds to be reported? And people having claimed then find unrealistic expectations placed on them, so it is almost impossible for a claim not to be classified as fraudulent and thus undo the NO FAULT intention.

Protection of the scheme's integrity can be managed in a different way focusing on impact of job losses, impact of health and disability and use of more progressive auditing to international standards and independent review.

Information collection and sharing

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Do you agree with the proposal to develop information sharing agreements and sharing arrangements with employers, other agencies and service providers?

With consent from the claimant.

Chapter 11 – Funding income insurance (Pg 135-144)

Most funding would come from compulsory levy payments on income

Do you agree the income insurance scheme should be funded from compulsory levies on the income that is insured, rather than from general taxation?

YES

Levy payments would be shared by employers and workers

86 Do you agree that levy contributions should be equally split between the employee and employer?

YES

Do you agree that levies for health conditions and disabilities and for redundancy should be set separately?

NO

Both the employee and employer would be charged at a flat rate

BB Do you agree that employees should be levied at a flat rate on income below \$130,911?

Agree with the top level of income up to \$130K. This is redistributive to some degree. Suggest that there should be a floor to the insurance payment equivalent to say 40 hours on the living wage so that someone on a low wage would not be pushed into poverty by the 80% recovery. This may exceed their actual wage but is essential for the dignity of the person.

89 Do you have any other suggestions for how the employee levy should be structured?

Suggest that there should be a floor to the insurance payment equivalent to say 40 hours on the living wage so that someone on a low wage would not be pushed into poverty by the 80% recovery. This may exceed their actual wage but is essential for the dignity of the person.

Do you agree that experience rating would not be an appropriate design setting for the employer levy?

YES

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Levies would adjust smoothly over time, with independent fund management

Do you agree that an independent fund with a stable levy-setting system should be established to finance the income insurance scheme?

YES

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Do you favour a Pay As You Go or Save As You Go funding approach?

NO

Building in scheme adaptability, while protecting levy sustainability

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Do you agree that the legislation for the income insurance scheme should provide the flexibility to vary entitlements and eligibility in times of crisis, over and above the proposed income insurance scheme?

YES, as long as this does not permit a reduction in any entitlements, but similar to COVID-19 provisions expands entitlement/opportunities for both workers and business according to a particular set of prevailing conditions.

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Does such flexibility create risks that require additional mitigations?

As above, the risk is the scheme could be scaled back and become exclusionary.

Other comments

The support proposed by the NZIIS ties with the Gospel message of universal entitlement to the necessities of life, compassion and care for each person.

The aim of the scheme to provide a bridge based on most finding a job in 6-8 months and to prevent long term dislocation from the workforce, and wage scarring is applied able.

The NZ problem is that we have quite significant redundancies often in communities where there is a single or foundation industry. People try to continue working even when they are sick to prevent a huge drop in income that they will suffer if they go to welfare. Plus, there is the social stigma of unemployment.

The inclusion of redundancy or disability or illness is ground breaking in terms of fairness, and alignment with the no fault accident scheme (current ACC provisions).

NZ Superannuation and welfare are less and less able to meet people's needs. NZIIS opens the opportunity to improve morale, encourage people to move to new opportunities and reduce wage scarring. Ensuring that the current welfare system is aligned will be the next challenge to ensure equity, opportunity and income security for all New Zealanders.