Process following the death of an RSE Worker - Guideline for Employers

Purpose

To provide guidance to Recognised Seasonal Employer (RSE) employers on the appropriate steps to follow when an RSE worker passes away. Depending on the circumstances, urgency, and situation, some steps may need to be undertaken concurrently.

For further support and guidance, this document should be read alongside existing industry resources relating to this.

Steps for employers when there is a death of a RSE worker while in New Zealand.

1. Notify the Relevant Pacific Country Liaison Officer

Contact the appropriate Pacific Country Liaison Officer, High Commission, or Labour Mobility Unit as soon as possible (ASAP). Request guidance on cultural protocols for handling the deceased until support personnel arrive. They can also assist in keeping the RSE team members in NZ updated.

2. Notify the Ministry of Business, Innovation and Employment (MBIE)

Contact the MBIE RSE Engagement Partner (EP) or the Toso Vaka o Manū (TVOM) team ASAP to advise of the death.

3. Liaise with the Health Insurer

Contact the deceased worker's health insurer. The insurer will coordinate with a funeral director and commence the repatriation process.

4. Complete the RSE Incident Form

Obtain the incident form from the RSE EP. Include all relevant notes and supporting documents.
Email the completed form and attachments to:

- INZ Compliance
- INZ RSE Unit
- RSE Engagement Partner for the region where the incident occurred
- Labour Inspector for the region where the incident occurred

5. Arrange Repatriation

The employer, insurer, funeral director and relevant authorities must work together to complete the documentation and arrangements required to return the deceased worker to their home country.
For detailed information on the repatriation process, see Note 1 in additional guidance notes below

6. Contact ACC

If the worker dies due to sudden, external personal injury or accident, ACC may be able to assist with language services, cultural support, funeral costs, lump sum payments, and compensation for eligible family members.

For more information visit the ACC website, email claims@acc.co.nz or phone 0800 101 996.
For detailed information on the ACC application and support process, see Note 2 in additional guidance notes below.

7. Inform RSE Engagement Partner of Repatriation Date

Notify the EP once the proposed date of repatriation is confirmed.

8. Provide Death Certificate

Send a copy of the death certificate to the EP and confirm once the body has been repatriated.

9. Support for Family Visas

The TVOM team will work with the employer to facilitate visitor visas for family members who wish to travel to New Zealand to accompany the deceased home.

Additional Guidance Notes

Note 1: Repatriation process

Purpose
To support the respectful return of the deceased worker to their home country while maintaining clear communication with family members and relevant stakeholders.
Guiding Principles

- Treat all parties with dignity, compassion and cultural sensitivity.
- Maintain clear and regular communication with the family.
- Obtain family authority before sharing personal information.
- Keep written records of decisions, costs, approvals and communications.
- Maintain clear distinction between insurer responsibilities and ACC responsibilities.

Insurance Claim and Repatriation
The insurer should be responsible for managing and funding approved repatriation arrangements. The employer or authorised representative should notify the insurer as soon as possible.
Supporting documents may include:

- Worker identification details.
- Insurance policy details.
- Confirmation of death.
- Medical, hospital, police or coroner information.
- Funeral director estimates.
- Next-of-kin details and instructions.
- Destination and receiving funeral arrangements.

Roles and responsibilities

Employer
The employer should:

- Keep the family informed of progress.
- Explain approved and non-approved costs.
- Escalate delays or issues promptly.

- Keep RSE team members of the deceased in NZ aware of what is happening.
- Maintain records of communications and decisions.

Insurer

The insurer should:

- Manage the insurance claim.
- Confirm required documentation.
- Assess proposed repatriation arrangements.
- Approve covered costs.
- Liaise with funeral directors and service providers.
- Arrange or fund transportation and repatriation logistics.
- Assess any applicable death benefits under the policy.

Repatriation Coordination

Once approved, the insurer and funeral director coordinate transportation and delivery of the deceased worker to the agreed destination in their home country.

Closure and Review

Following repatriation, employers and relevant RSE stakeholders should review:

- What worked well.
- Any delays encountered.
- Documentation issues.
- Communication challenges.
- Cultural or family concerns.
- Opportunities for improvement in future cases.

Note 2: ACC Application and financial support process

Purpose

ACC may provide financial assistance and support to eligible family members following a worker's death. Employers should not determine eligibility themselves but should encourage the family to contact ACC directly.

The employer should:

- Record the nominated contact's details.
- Confirm their authority to act on behalf of the family.
- Use them as the primary communication channel.
- Explain that ACC and the insurer have separate roles and may require different information or documents.

Appoint a Family Contact

The family should nominate one authorised person to receive updates and provide instructions on behalf of the family.

This person may be:

- A family member
- Friend
- Church minister
- Social worker

- Community representative
- Employer (if authorised)

ACC21 Application

The ACC21 application may be completed by a family member, friend, funeral director, employer or another support person. The application must be signed by the spouse/partner, next of kin or executor of the estate. The employer may assist by:

- Helping obtain and complete the form.
- Assisting with collection of supporting documentation.
- Helping follow up outstanding information.
- Supporting the family through the application process where authorised.

ACC Assessment

ACC will assess whether support is available and will communicate directly with the family or authorised representative regarding:

- Funeral or memorial assistance.
- Lump sum payments.
- Compensation for eligible dependants.
- Other support available under ACC legislation.

Key distinction

The insurer is primarily responsible for funding and coordinating repatriation activities.

ACC is responsible for assessing and providing statutory financial assistance and compensation for eligible family members.