

# Alliant Global Services

## Global Knowledge Center – Legal & Regulatory Updates

May 2024



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# Canada

## Ontario to align statutory leave duration with Employment Insurance sickness benefit entitlements

Published 15 May 2024

A public consultation process on aligning statutory leaves with employees' Federal Employment Insurance (EI) sickness benefit entitlements launched by Ontario's Ministry of Labour, Immigration, Training, and Skills Development ended on 6 May 2024.

### The two approaches being considered

The [consultation paper](#) sought input on two alternative approaches to aligning mandatory leaves with employees' Federal Employment Insurance (EI) benefit entitlements, namely:

- The extension of existing critical illness leave duration; or
- The introduction of a new long-term employment-protected unpaid leave of up to 27 weeks.

Per [Section 50\(1\)](#) of the ESA, Ontario employees are currently entitled to three days unpaid leave each calendar year for personal illness, injury, or medical emergency.

#### *First proposed approach*

The first proposed approach is to extend the already-existing critical illness leave provided by the ESA from three days per calendar year to 27 weeks. This approach would adopt the ESA's definition of critical illness, which excludes those employees with chronic illnesses or conditions that are part of their baseline state of health, which would be for a qualified health practitioner to assess.

#### *Second proposed approach*

The second proposed approach is to create a novel long-term employment-protected leave for employees with a serious medical condition. Under this approach, a serious medical condition may include chronic or episodic conditions as well as those which are not life-threatening. Thus, a greater number of employees would be eligible for mandatory leave under this second approach where baseline health is not considered.

#### *Eligibility under both approaches*

According to the consultation paper, under both approaches, employees would have to:

- have been employed by the same employer for a minimum of six consecutive months; and
- produce a certificate from a qualified health practitioner stating their inability to work due to a serious medical condition or critical illness to become eligible.

## Background

In 2022, as part of a reform of the EI Sickness benefits entitlements, the government amended both the [Employment Insurance Act](#) and the [Canada Labour Code](#). The amendments extended EI long-term disability benefits from 15 weeks to 26 weeks and increased the maximum duration of unpaid medical leave for federally regulated employees from 17 weeks to 27 weeks.

Consequently, most provincial statutory sickness leave entitlements fell out of alignment with federal EI benefit payment entitlements, preventing employees from fully taking advantage of EI benefit entitlements.

# Canada

## Ontario's Bill 190 to amend sick leave eligibility criteria and extend occupational and safety requirements to remote workers

Published 24 May 2024

On 16 May 2024, Ontario's [Bill 190, Working for Workers Five Act](#) was referred to the Parliament's Standing Committee on Finance and Economic Affairs for review. Should the Bill pass a final vote after three readings, it would be sent for royal assent.

The Bill would amend proof of sick leave requirements and expand the scope of application of the Occupational Health and Safety Act to include teleworkers.

### Proposed amendment to the Employment Standards Act

Schedule 2 of the Bill would amend Section 50 of the [Employment Standards Act](#) (ESA) such that employers may still request proof of entitlement to sick leave, but are not permitted to require that such proof be provided through a certificate from a licensed health professional.

### Proposed amendment to the Occupational Health and Safety Act

Schedule 4 of the Bill would amend the [Occupational Health and Safety Act](#) (OHSA) to:

- Apply the provisions of the Act to employees engaged in telework from home; and
- Expand the definitions of "workplace harassment" and "workplace sexual harassment" to include virtual harassment conducted using information and communications technology.

### Background

To address labor shortages and enhance the province's economic vitality, Ontario has for four consecutive years passed a Working for Workers Act, with the overarching goal of promoting skilled trades, removing job barriers, and supporting women in the workforce.

Like its predecessors, Bill 190 is wide-ranging, and would amend the following Acts:

- Workplace Safety and Insurance,
- Ontario Immigration,
- Occupational Health and Safety,
- Fair Access to Regulated Professions,
- Employment Standards,
- Building Opportunities in the Skilled Trades.

# Canada

## British Columbia Financial Services Authority releases 2024/25 regulatory roadmap

Published 28 May 2024

On 4 April 2024, the British Columbia Financial Services Authority (BCFSA) released its [2024/25 Regulatory Roadmap](#), setting out its planned regulatory priorities for the next three fiscal years (i.e., 1 April through 31 March of each year).

As the province's financial sector regulator, the BCFSA monitors risks and regulates entities and the broader financial system. Regulatory priorities spelled out in the 2024/25 Roadmap mitigate identified risks. Although, the key risks identified in the 2023/24 Roadmap remain, the economic environment has changed and as a result the 2024/25 Roadmap introduces new regulatory priorities affecting the insurance and pension industry, and identifies risks related to digitalization, and natural catastrophes.

Key components of the 2024/25 Regulatory Roadmap are detailed below.

### Insurance

To efficiently oversee the insurance industry, the BCFSA intends to focus on updating the regulatory framework and adopt and implement guidelines.

#### *Regulatory framework modernization*

To provide clear guidance, ensure robust market conduct, and align provincial regulations with national standards, the BCFSA's regulatory modernization efforts focus on three key areas, namely:

- The introduction and implementation of the Insurer Code of Market Conduct;
- The adoption of guidance from the Canadian Council of Insurance Regulators (CCIR); and
- The integration of guidelines from the Office of the Superintendent of Financial Institutions (OSFI).

#### *Insurer Code of Market Conduct*

Following extensive industry engagement, the BCFSA introduced the [Insurer Code of Market Conduct](#) in July 2023. The Code, effective from 1 April 2024, establishes updated and comprehensive expectations for market conduct that all insurance companies must adhere to. The Code provides a framework for the BCFSA to issue market conduct guidelines as needed, based on compliance activities and the work of the CCIR. BCFSA will engage with the industry to implement these guidelines effectively.

### *CCIR guidelines*

To implement its market guidelines, the BCFSA may on occasion adopt CCIR guidance, especially relating to segregated funds and other significant topics and will communicate with insurance companies regarding their implementation in British Columbia (BC).

### *OSFI guidelines implementation*

As the regulator for provincially incorporated insurance companies, the BCFSA occasionally adopts guidelines from the OSFI after consultation with insurance companies. The BCFSA will update companies on new OSFI guidelines issued in 2024/25 that would apply to them.

## **Pension**

To ensure effective oversight of pension plans, the BCFSA intends to update the regulatory framework, develop guides, enhance processes, and communicate expectations.

The BCFSA supervises the application and enforcement of the [Pension Benefits Standards Act](#) (PBSA) and the [Pension Benefits Standards Regulation](#) (PBSR). To this end, the BCFSA will:

- update its Risk-Based Supervision Framework for pension plans;
- develop a pension administrators' guide;
- consult with the pension industry on a new financial statement disclosure guideline;
- enhance the Annual Information Return process; and
- communicate expectations for the adoption of the Capital Accumulation Plans Guideline Committee (CAPSA) guideline.

### *Update to Risk-Based Supervision Framework*

The BCFSA plans to revise its [Risk-Based Supervision Framework](#), first issued in 2014, outlining the principles, concepts, and core processes governing its pension plan risk oversight. The revised framework is due for release in the third quarter of fiscal year 2024/25.

### *Pension administrators guide*

The BCFSA is developing a guide for pension plan administrators specifying their roles and responsibilities. Stakeholder consultations on this guide are expected to take place in fiscal year 2025/26.

### *New financial statement disclosure consultations*

In the 2025/26 fiscal year, the BCFSA intends to engage with the industry to create a new financial statement disclosure guideline. This disclosure, mandated for pension plan audited statements under section 38(1)(c) of the PBSA and section 47 of the PBSR, will outline the BCFSA's required disclosure expectations.

### *Planned revisions to Annual Information Return*

Currently, BC pension plan administrators must submit a thorough Annual Information Return to the BCFSA, detailing plan assets, membership, and significant plan changes from the previous fiscal year. The BCFSA

intends to review and enhance the Annual Information Return, starting in 2026/27 fiscal year, based on input from plan administrators.

### *CAPSA guidelines*

The BCFSA collaborates with regulatory partners, including the CAPSA to develop unified guidance for pension plans across Canada. CAPSA is currently finalizing two major guidelines, the CAPSA Risk Management Guidelines and the CAPSA Capital Accumulation Guideline, expected to be completed in fiscal year 2024/25 after industry consultations. The BCFSA will communicate its expectations to pension plan administrators in BC regarding the adoption of these guidelines.

## **Digitalization risk**

The BCFSA cooperates with regulators to monitor digitalization risks within the financial services sector. They intend to implement updated guidelines for promptly reporting security incidents, which would extend to insurers outside of BC, beginning in the first quarter of fiscal year 2024/25.

## **Natural catastrophe and climate risk**

The BCFSA monitors the financial sector's risks related to natural catastrophes and the climate. BCFSA, CCIR, and industry partners aim to boost consumer awareness of climate risks like earthquakes, floods, and wildfires.

BCSFA in collaboration with CCIR and key industry partners is discussing potential enhanced disclosures to consumers and plans broader public consultation on this topic to take place in fiscal year 2025/26.

## **Background**

The BCFSA aims to foster trust in BC's financial services sector and safeguard the public by regulating risks appropriately. It monitors the financial system and other regulated entities for risks; and annually shares findings in its Roadmap that sets future regulatory priorities. This practice promotes informed collaboration among regulated entities and stakeholders.



# Canada

## Employer allowances for employees' use of personal vehicle for work purposes increased

Published 29 May 2024

On 18 December 2023, the Canada Revenue Agency (CRA) released its annual [adjustments](#) to the reasonable rates for allowances provided to employees for the use of their personal vehicle for work purposes. These rates dictate that only allowances for work-related travel within the specified per-kilometer rate are exempt from income tax and social contributions, with any amount in excess amount being non-deductible.

The maximum per kilometer allowance tax-exempt limit increases by two cents as compared to previous limits,

In 2024 rates are:

- CAD 0.07 per kilometer for the first 5,000 kilometers driven; and
- CAD 0.64 for each additional kilometer.

In the Northwest Territories, Yukon, and Nunavut, an additional CAD 0.02 per kilometer applies.

### Employers and employees concerned

These changes impact all employers who reimburse their employees for using personal vehicles (cars, motorcycles, mopeds) for work-related purposes, as well as the employees receiving such reimbursements.

### Reasonable allowance

[Section 6\(1\)\(b\)\(vii.1\)](#) of the Income Tax Act exempts reasonable motor vehicle allowances for work-related travel from an employee's taxable income. [Paragraph 18\(1\)\(r\)](#) states that deductions for vehicle allowances exceeding prescribed per-kilometer rates are not exempt from income tax, contributions to the Canada Pension Plan (CPP), and Employment Insurance (EI) premiums.

These rates detailed in Section 7306 of the Income Tax Regulations (which at the time of the publication of this article has not been updated online), are the maximum employer allowance amounts that may be deducted from an employee's taxable earnings. The amounts can be used to determine if the allowance paid to employees are considered as "reasonable" by the CRA. The per kilometer allowance limits are annually announced by the Department of Finance through a news release.

# Hong Kong

## Continuous contract requirement to be relaxed, expanding statutory benefits and protections to more employees

Published 4 May 2024

On 1 February 2024, in a [press release](#) the government announced that the continuous contract requirement of the Employment Ordinance, commonly referred to as the "418 rule" would be replaced by a more flexible requirement, i.e., the "468 rule."

Statutory benefits and employee protections provided under the Employment Ordinance would apply to a greater number of employees, especially part-time or casual employees. According to government estimates, some 11,000 casual or part-time workers who currently are not entitled to certain statutory benefits and protections would become considered as continuous contract employees and would become entitled to certain statutory benefits and protections.

A continuous contract of employment for specified durations entitles eligible employees to certain statutory benefits, such as rest days, paid statutory holidays, paid annual leave, sickness allowance, paid maternity or paternity leave, severance pay, or long service payments,

The announced changes would likely impact employers' workforce structure and/or impact their employment agreements.

### The planned changes

Currently, an employee who works for the same employer for at least 18 hours a week for four or more consecutive weeks is considered as a continuous contract employee, irrespective of whether they are a full-time or a part-time employee.

According to a proposal by the government's Labour Advisory Board, this requirement would be relaxed by considering an employee's total working hours over a four-week period (instead of currently over a weekly timeframe) and by requiring 68 hours of work over the four-week timeframe (instead of the current 18 hours per week requirement).

# Japan

## Employers with more than 50 employees must enroll certain part-time employees in social insurance

Published 29 May 2024

Effective 1 October 2024, employers with over 50 employees must enroll full-time and certain part-time employees in social insurance. Currently, social insurance enrollment is mandatory for employers with 100 or more employees. The employer headcount criteria will be reduced to 50.

### Part-time employee entitlement

The criteria for part-time employees' entitlement to enroll in social insurance remains unchanged. It is the required employee headcount that will be reduced from 100 or more to 50 or more employees.

In other words, starting 1 October 2024, employers with 50 or more employees must enroll all full-time and certain part-time employees, i.e., those working at least 75% of the full-time work hours.

Part-time workers whose work schedule is less than 75% of a full-time employee's schedule must meet the following criteria to be enrolled in social insurance:

- Not be a student;
- Work least 20 hours per week for the employer;
- Earn at least a monthly salary of JPY 88,000; and
- Have an employment agreement that is expected to continue for two or months.

### Employer Actions

Employers with 50 or more employees must identify which of their employees must be enrolled in social insurance and inform their payroll departments or payroll providers which part-time employees must be enrolled in social insurance starting 1 October 2024.

Many employers are expected to be affected by this amendment. It is advisable that employers assess the potential effects of the amendment and implement the necessary adjustments in terms of employment structure, budget, and payroll.

This amendment will potentially affect employers' budgets for future years, as additional social contributions for retirement and health insurance may need to be paid. The change will need to be considered during the employer's budgeting exercise.

The amendments would also affect the net pay of certain employees working part-time for smaller employers as the employee's share of social contributions will need to be withheld from their gross pay by the employer. Employers are advised to inform affected employees of the change in a timely manner.

## Outline of the underlying legislation

Outline of An Act amending the National Pension Act etc. to strengthen the functioning of the pension system (Act No. 40 of June 5, 2020) ([年金制度の機能強化を図るための国民年金法等の一部を改正する法律（令和2年6月5日法律第40号）](#)), was enacted on 29 May 2020, and promulgated on 5 June 2020.

## Background

The scope of employee social insurance was expanded in two phases to reflect the diverse types of employment agreements. Specifically, the employer size criteria entitling part-time employees to social insurance which was initially 500 or more employees was gradually lowered to include employers with more than 100 employees as of 1 October 2022, and will now be expanded to include employers with over 50 employees, starting 1 October 2024.

## Resources

Leaflet: "For business owners with 51 or more insured persons ([リーフレット：「被保険者が51人以上の事業主の方へ」](#)) – in Japanese

# Malaysia

## The scope of application of workplace health and safety obligations expanded to all employers, and new obligations apply

Published 3 May 2024

Effective 1 June 2024, statutory workplace health and safety obligations following the implementation of the OSHA Amendment Act 2022 will apply to all employers and all workplaces. Previously the provisions of the Act only applied to specific industries.

The amended Act introduces substantial and wide-ranging amendments to the previous Occupational Safety and Health Act 1994. In total 27 new sections were added, and 35 existing sections were revised.

Key provisions of the amended Act follow.

### **Key amendments and new employer obligations**

#### *Increased scope of applicability*

The scope of applicability of the OSHA 2022 has been augmented to include all employers and all workplaces.

Currently, the OSHA applies to manufacturing; mining and quarrying; construction; agriculture, forestry and fishing; utilities, transport, storage and communication; wholesale and retail trades; hotels and restaurants; finance, insurance, real estate and business services; and public services and statutory authorities. (Schedule 1)

#### *Safety and health assessment*

Employers will have the duty to conduct safety and health assessments of risks posed to any individual in the workplace. (Section 18B of the OSHA 2022)

#### *Occupational safety and health coordinator*

An additional clause was inserted mandating that employers appoint an employee to act as an occupational safety and health coordinator. Appointments are only necessary if the employer employs at least five employees. (Section 29A of the OSHA 2022)

#### *Certificate of Fitness*

Employers must now obtain approval from the Director-General of the Department of Occupational Safety and Health (DOSH) and issue a Certificate of Fitness, when installing and operating a designated plant, (Section 3.1.a (XV))

Currently, no such requirement is provided for.

### *Occupational safety and health training*

Designated groups of employees must participate in occupational safety and health training courses as outlined in the order. The training must be administered by registered training providers deemed competent. (New Section 31a of the OSHA 2022)

### *Registration as competent required for certain activities*

An individual who carries out the activities specified in the new Schedule 5 of the OSHA 2022 (installation, operation, dismantling, repair, chemical exposure or monitoring, medical surveillance, etc. of a plant, medical surveillance, evaluation of exposure to hazardous chemicals, noise, etc.) must be registered as a competent individual. (Schedule 5, Paragraph 31b (1) (a))

### *Increased penalties*

Fines and penalties provided for under Section 49 OSHA 2022 Act are amended to incentivize compliance.

Fines for noncompliance with notice of the OSHA 2022 Act's provisions are increased from MYR 50,000 to MYR 500,000. Additional fines for each day of continued offense are increased from MYR 500 to MYR 2,000.

Imprisonment terms will be reduced from up to five years to no more than two years.

## **Employer Action**

Employers, especially those in industries which are currently not subject to the OSHA requirements, should be aware of the numerous and imminent obligations under the OSHA 2022, and not take occupational safety issues lightly.

Employers should also note that increased penalties apply for noncompliance.

## **Underlying legislation**

The changes were introduced by the [Occupational Safety and Health \(Amendment\) Act 2022](#), which received Royal Assent on 4 March 2022, and was published in the Official Gazette of the Federation (*Warta rasmi Persekutuan yang*) on 16 March 2022.

## **Subsidiary legislation**

In addition to the entry into effect of the OSHA Amendment Act 2022, two subsidiary regulations were promulgated, and the Factories and Machinery Act 1967 was repealed.

The two subsidiary regulations are:

- Occupational Safety and Health (Plant Requiring Certificate of Fitness) Regulations 2024. This regulation specifies three plants that require a Certificate of Fitness, namely: steam boilers, pressure vessels, and lifting machinery.

- Occupational Safety and Health (Licensed Person) Order 2024. This is the regulation in accordance with individuals are designated by the Director-General of DOSH as being licensed to inspect the plants upon issuance of the above-mentioned Certificate of Fitness.

# Netherlands

## Government to encourage agreements between healthcare providers and health insurers

Published 18 May 2024

On 17 May 2024, in a [news release](#), the government announced that the Council of Ministers had agreed to submit a Draft Bill to promote contracted care to the lower house of parliament.

Contracted care (*gecontracteerde zorg*) sometimes also called appropriate care (*passende zorg*), refers to care for which the healthcare provider enters into an agreement with the health insurer, for example with respect to costs and/or quality of care services.

To ensure healthcare quality, accessibility, and affordability, the government intends to incentivize the use of contracted care by reducing reimbursements for the provision of care by non-contracted providers, while encouraging healthcare providers to enter into agreements with health insurers.

The Ministry of Health, Welfare and Sport (*Volksgezondheid, Welzijn en Sport, VWS*) primarily plans to reduce reimbursements to community nursing services and to certain kinds of mental health care (*Geestelijke gezondheidszorg, GGZ*).

### Non-contracted providers' care discouraged but not prevented

Currently, Article 13 of the Health Insurance Act ([Zorgverzekeringswet, ZVW](#)) stipulates that health insurers must provide insured individuals with a policy that reimburses health care providers who are not under an agreement with the insurer. The reimbursement may be low enough to encourage reliance on contracted care providers, but not so low that it prevents insured individuals from going to a non-contracted provider. The latter is referred to by the ZVW as an obstacle criterion (*hinderpaalcriterium*).

### Exceptions would apply

The draft bill would, if necessary, allow to:

- designate a sub-sector of healthcare; and
- regulate the amount of reimbursement by insurers for care delivered by non-contracted healthcare providers in that (sub)sector.

Several sub-sectors would be excluded from the exception, such as general practitioner care and acute care.



## Background

Agreements between healthcare providers and health insurers can specify which care is appropriate and which care is not. The importance of contracting in healthcare has been agreed to in the Coalition Agreement 2021-2025 "Looking after each other, looking ahead to the future" ([\*Omzien naar elkaar, vooruitkijken naar de toekomst\*](#)).

The use of contracted care subsequently became part of the 2022 Integrated Care Agreement ([\*Integraal Zorgakkoord, IZA\*](#)) – an agreement that VWS concluded with a large number of healthcare parties.

The bill promoting healthcare contracting is part of that Integrated Healthcare Agreement.

# Singapore

## Government issues mandatory Tripartite Guidelines on Flexible Work Arrangements

Published 9 May 2024

Effective 1 December 2024, while employers continue to have the prerogative to decide on work arrangements, under the new mandatory [Tripartite Guidelines on Flexible Work Arrangements](#) (TGFWA), employees' formal requests for flexible work arrangements (FWA) must be properly considered by employers.

The TGFWA will replace the Tripartite Advisory on Flexible Work Arrangements issued in 2014 and the Tripartite Standard on Flexible Work Arrangements of 2017.

The TGFWA spell out definitions and processes to be followed by employees formally submitting FWA requests, as well as processes to be followed by employers in assessing employees' formal requests,

Employers are required to comply with the TGFWA, starting 1 December 2024. Non-compliance may result in Tripartite Alliance for Fair and Progressive Employment Practices (TAFEP) engaging employers and advising them to comply with the TGFWA.

Furthermore, the Ministry of Manpower (MoM) may also issue a warning and require employers to attend corrective workshops.

The TGFWA provides clarifications and guidance on the following:

- Types of FWAs
- Requirement for Formal FWA Request
- Principles for Proper Consideration of FWA Requests
- Submitting Formal FWA Requests
- Considering Formal FWA Requests
- Communicating Decisions on Formal FWA Requests

The Annexes of the TGFWA provide employer and employee templates and frequently asked questions (FAQs). Specifically:

- Annex A summarizes 10 employee FWA request recommendations that were formulated by the Tripartite Workgroup, and provides a template for employees to submit an FWA request
- Annex B provides a template for employer to respond to a formal FWA request
- Annex C provides responses to frequently asked questions (FAQs):
  - For Employers and Employees
  - For Employers
  - For Employees

## Employer Actions

Effective 1 December 2024, under the new flexible work arrangement guidelines, employee requests must be fairly considered by employers.

Non-compliance with the new guidelines may result in the Tripartite Alliance for Fair and Progressive Employment Practices (TAFEP) engaging employers and advising them to comply with the new regulations, and the Ministry of Manpower (MoM) may issue a warning and impose corrective workshops to non-compliant employers.

## Resources

- [Government Press Release of 16 April 2024](#)
- [Report of the Tripartite Workgroup on the Tripartite Guidelines on Flexible Work Arrangement Requests](#)
- [Maximising Our Workers' Potential and Business Productivity through Workplace Flexibility: Report of the Tripartite Workgroup on the Tripartite Guidelines on Flexible Work Arrangement Requests](#)

# South Africa

## New law introducing universal health insurance will progressively reduce private insurance needs

Published 16 May 2024

On 15 May 2024, the President signed universal health insurance into law. [The National Health Insurance \(NHI\) Act](#) will create a new government fund to provide free access to comprehensive healthcare.

The Act is now in force but not yet in effect. Once in effect, the first implementation step will be to establish an operational NHI Fund. Full implementation of the reforms will happen over time. Furthermore, the Act is likely to be challenged in court by various private health sector participants, including sector providers and insurers.

The Act will set the fees that private healthcare providers and physicians can charge for NHI-funded health benefits and is expected to progressively reduce demand for private health insurance.

According to Article 33 of the Act, once National Health Insurance has been fully implemented as determined by the Minister through regulations, medical schemes may only offer complementary cover to services not reimbursable by the NHI Fund.

The Ministry of Finance will determine the National Health Insurance (NHI) funding mechanisms, which will entail mandatory contributions and other types of tax revenues.

The government's overarching NHI goal is to provide more equitable quality healthcare while enhancing public health outcomes. Currently, only 15 percent of the population has access to quality healthcare via private health insurance.

### **NHI benefits**

The NHI will cover comprehensive health benefits provided by NHI-contracted public and private health facilities.

NHI benefits will provide at primary, secondary, tertiary, specialized and quaternary levels of care, which include:

- Primary healthcare, i.e., visits to clinics, community health centers and accredited multi-disciplinary health practices and centers at a non-specialist level, community healthcare outreach workers, and integrated school health services;
- Hospital services: outpatient and in-patient visits at accredited hospitals, using a referral system (requiring a letter from a primary healthcare center or providers, with the exception of emergencies);
- Rehabilitation services;
- Palliative care;

- Mental health services;
- Emergency medical services;
- Transportation for patients between health facilities;
- Medicines and medical devices included in the Essential Medicine List and Essential Equipment List; and
- Diagnostic procedures specified in the Treatment Guidelines and protocols.

## Individuals concerned

According to Article 4, Paragraph 4, individuals seeking healthcare services from an accredited healthcare service provider or health establishment must be registered as a user of the NHI Fund to receive the corresponding benefits from the Fund. Registered users will be entitled to receive healthcare services free of charge from an accredited healthcare service provider or health establishment.

According to Article 4, Paragraphs 1 and 3 of the Act the NHI Fund must purchase healthcare services on behalf of:

- South African citizens
- permanent residents
- refugees
- inmates (as provided for in terms of the Correctional Services Act)
- certain categories or individual foreigners as determined by the Minister of Home Affairs
- All children, including children of asylum seekers or illegal foreigners, will be entitled to basic healthcare services.

According to Article 4, Paragraph 2, asylum seekers or illegal foreigners will only be entitled to:

- emergency medical services, and
- services for notifiable conditions of public health concern.

## Foreign national visitors

According to Article 4, Paragraph 5, all foreign national visiting the country must have travel insurance to receive healthcare services under the travel insurance policy. Otherwise, they are only entitled to

- emergency medical services, and
- services for notifiable conditions of public health concern.

## Underlying legislation

[Act No. 20 of 2023: National Health Insurance Act 2023](#) was published in the Government Gazette (*Staatskoerant*) on 16 May 2024.

# United Kingdom

## Personal Independence Payment program to overhaul the disability benefits system, public consultations launched

Published 6 May 2024

On 29 April 2024, the Secretary of State for Work and Pensions presented open public consultations to Parliament on Personal Independence Payment (PIP) program to overhaul the disability benefits system, namely, the [Modernising support for independent living: the health and disability green paper](#).

This consultation paper outlines the government's intentions and proposals regarding social support for individuals with disability and those with health conditions, focusing on the PIP system in particular.

The public consultation will be open for 12 weeks. The government is seeking views from all to ensure everyone has a chance to shape the modernization of the welfare system.

The findings of the consultation, which closes on Tuesday 23 July 2024, will inform future reforms.

### Rationale for reform

Since the introduction of PIP in 2013 and increasing number of individuals are applying for disability benefits for mental health and neurodivergent conditions than when PIP was first introduced. Currently, around 23% of the adult population is reporting a disability, up from 16% in 2013.

The government's focus is on the sustainability of the current system. PIP expenditures is expected to grow by 63% over the next five years.

### The government's reform proposal

The government aims to maintain a social safety system for individuals with disabilities while promoting their employment, by continuing:

- Enhanced accessibility and support for individuals with disability to lead independent lives.
- Acknowledgement of the need for a social system that is both fair and compassionate, especially in relation to disability benefits.
- To address barriers and improve employment prospects for individuals with disability through various programs.
- The PIP system, intended to provide financial support for disability-related expenses.
- Recognizing changes in disability prevalence and cost increases, that have prompted a review of support mechanisms.
- Tracking the data on the growing number of people claiming disability benefits, particularly due to mental health conditions.

An increase in PIP spending and claimants over the next few years is anticipated by the consultation paper, as is the requirement for a sustainable and equitable support system for both claimants and taxpayers.

Guiding priorities of the proposed reform include:

- Providing targeted support, efficient resource allocation, and fostering independence;
- Potential changes to PIP eligibility criteria and assessment methods
- Exploring fundamental changes to disability support, including tailored assistance and improved coordination of local services;
- Solicitation of public feedback on proposed approaches and the need for broader structural changes in the welfare system.
- Commitment to collaboration with disabled individuals and stakeholders throughout the consultation process, including Devolved Administrations.

The consultation paper elaborates at length on the above proposals.

Overall, the text full text of the government's Green Paper emphasizes its commitment to re-evaluating and potentially reforming the welfare system to better meet the needs of disabled individuals while ensuring sustainability and fairness.

# About Alliant Global



As a truly independent global brokerage and consultancy, Alliant brings a unique fresh approach to managing global employee benefits. We are broker-neutral, and therefore represent our clients without any favoritism or conflict of interest. Asinta – a strategic partnership of independent global employee benefits advisors, enhances our agility and our current and in-depth knowledge of market intelligence.

Our model enables Alliant to offer advice and ensure compliance when placing local coverage. Our team's talents and skills are the foundation of this approach.

Our global consultants provide a single point of contact for your HR team, providing seamless coordination with local country brokers and consultants, while addressing your on-going HR and employee benefits compliance and country knowledge needs.

Alliant's global benefits management services include:

- New country expansion
- Plan brokering and renewals
- Country benchmarking
- Cost analytics
- Country news and compliance knowledge
- M&A global due diligence

In addition, we provide our client with a unique user-friendly benefit inventory system—International IQ®—that gives you a 24/7 view of your international plan benefits, renewal dates, and more.

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