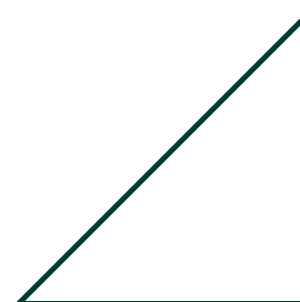


**Kristin Alsos, Anne Hege Henden Strand og
Maria Gussgard Volckmar-Eeg**

Legal protection for those with combined incomes





Legal protection for those with combined incomes

English summary of Faforeport 2024:23
ISBN 978-82-324-0731-6
ISSN 2387-6859
ID-nr.: 20890

© Fafo 2024

Combining income from different sources can pose specific challenges in situations where individuals need their income loss compensated by the Norwegian National Insurance Scheme. In this report, we examine how the Norwegian Labour and Welfare Administration (NAV), through its guidance and casework, protects the legal rights of those with combined incomes, i.e. with wages as employees and/or freelancers as well as self-employment income. We do this by examining how NAV's advisors and caseworkers handle enquiries and cases concerning decisions on sick pay, parental benefits and care benefits for those with combined incomes under the National Insurance Act, section 8-40 et seq. The aim is to assess whether the resources available to employees and the way the work is organised ensure predictability and equal treatment when dealing with the needs of a diverse group facing complex legal regulations.

Our work is based on rich qualitative data consisting of interviews with advisors at NAV's contact centres, welfare benefit caseworkers, staff in management units, as well as department heads, specialists and union representatives. We also conducted some interviews with service users and obtained their views on NAV's website and the digital application process.

The legal protection of service users depends on whether they receive proper guidance from administrative bodies. In Chapter 3, we examine the role of NAV's contact centres in fulfilling their duty to provide guidance. Based on interviews with advisors, specialists and department heads, we highlight some dilemmas faced by contact centres. To ensure efficient use of resources, various aspects of the work in the units are measured. However, since it is easier to measure efficiency than quality, this can lead to an excessive focus on time usage. It is therefore important to be mindful of what can and cannot be measured. Further, as the information on nav.no improves, service users are more often able to find answers to straightforward questions themselves. This means that the enquiries received by the contact centres are more complex, which requires more of the individual advisors and the human, expert and technical resources that they have access to. The specialists in each unit play a key role in ensuring the quality of the guidance provided, and it is important that they have sufficient resources to carry out this work. This also applies to the work of identifying and correcting errors in the guidance. In the current situation, it appears that the specialists are essential for identifying weaknesses in the guidance, and it is therefore crucial for service users' legal protection that the specialists have the time to carry out this work. Additionally, there is the question of whether other tools could also aid quality assurance of the guidance.

In Chapter 4, we shift our focus to the case processing. Welfare benefit casework has undergone two major changes in recent years, both of which appear to have impacted on case processing in general, but particularly for this group of service users. Firstly, the case processing for all three welfare benefits we have focused on has been organised into one national queueing system. This increases the need for cooperation across units, but the conditions for effective communication and the sharing of expertise across these units could be improved. Secondly, new semi-automated case management systems have been introduced. This means that cases involving individuals with combined incomes are becoming more common, but they are also more complicated to deal with, both in terms of gaining an overview of the actual circumstances and in the

application of the law. Both aspects are crucial to protecting the legal rights of those with combined incomes. These two changes also alter the role of caseworkers. A different level of administrative and legal expertise is required from caseworkers, given that the most complex cases are the ones dealt with manually. In addition, they need to have a technical grasp of the case management system to understand why certain cases are flagged for manual processing. While the computer systems streamline parts of the case processing, several caseworkers reported feeling a loss of connection with the service users and their life situations, which sometimes made it more difficult to make discretionary judgements. This also places a greater responsibility on service users to ensure that their case is processed based on the correct procedural framework, that the factual information is accurate and that they have sufficient understanding to appeal if the automated decision is incorrect. Not all service users are capable of doing this, and among those with combined incomes, many may be adversely affected by the introduction of self-service solutions and semi-automated casework.

In conclusion, in Chapter 5, we summarise and discuss various dilemmas for NAV regarding the protection of service users' legal rights. Central to this discussion is the balance between quality and efficiency. NAV as a whole, along with its various units, has limited resources for ensuring that the decisions made are correct. To ensure that resources are used appropriately, much of the responsibility is managed by objectives. If the focus on efficiency undermines quality, it poses a risk not only to legal safeguarding but can also lead to an increase in the number of appeals to process, which in turn requires further resources. Organising case processing into a single queueing system seems to promote greater equality in the casework, but it can also lead to unintended consequences that unnecessarily prolong decision-making. Multiple rounds of documentation requests and the necessity for several caseworkers to familiarise themselves with the same case are examples of this. The transition to semi-automated case processing means that advisors and caseworkers need both system knowledge and expertise within their field. During this process, there is a risk that caseworkers will rely more on system support and less on professional expertise and a holistic understanding of the service users' circumstances. In complex cases, many caseworkers may be involved in the same case, which can have negative implications in the form of more fragmented case processing. In other words, the system requires a greater degree of trust, not only in the system but also in other caseworkers who have been involved in the same case.

By having the systems process straightforward cases automatically, caseworkers are left with more complex cases than before. This places increased demands on the employees' expertise. Meanwhile, it appears that the system for clarifying legal issues has some weaknesses, which the specialists must keep in mind in their roles. There also appears to be potential to develop internal procedures and systems that more effectively capture and correct errors in guidance and case processing. Currently, much of the responsibility falls on the service users themselves through the right to appeal. A complex regulatory framework and the varying levels of competence and resources among service users can pose a significant risk that errors go uncorrected.

As in many other organisations, there also seems to be potential for cooperation between the units we interviewed, and between the specialists responsible for welfare benefits that are processed under the same regulations. Particularly among caseworkers, the transition to a national queueing system has not fostered a shared culture, leading to suspicion between the units. In the contact centres, the challenge appears to be that the balance of quality and efficiency varies across the units.

Finally, we consider what lies ahead. The ongoing automation suggests that the demands for specialist and system expertise among employees will increase. It may also be beneficial for NAV to evaluate how digital advancements and automation are transforming the caseworker role, impacting on the relationship between caseworkers and technology, and reshaping their perceptions of service users within the financial welfare system.

Fafo

Institute for Labour and Social Research

Borggata 2B, Oslo

P.O. Box 2947 Tøyen, NO-0608 Oslo

Telephone: +47 22 08 86 00

E-mail: fafo@fafo.no

fafo.no

