

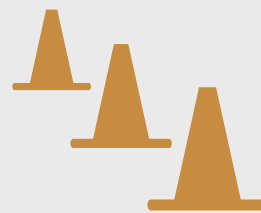
Workers' Comp & Safety News



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Protection from Winter's Chill

Winter weather brings new safety hazards, including wet/icy roads and walkways, snow and freezing temperatures. In warmer climates, wet conditions also create hazards. Learn how to protect your employees during this season.

Many dangers lurk in winter weather. Snow, freezing rain, ice, freezing temperatures and chill factor bring about a set of hazards unique to the season. Driving icy roadways, shoveling, poor visibility, slips/falls, frostbite and hypothermia are but a few. Preparing for these conditions can help prevent serious injuries.

Slips and falls: Slip and fall accidents due to snow and ice spike during winter months. The Minnesota Department of Labor and Industry claims database for 1996 through 2000 indicated that slip and fall claims made up 26 percent of all indemnity claims in January, versus 15 percent in October.

Snow removal: Shoveling snow is more strenuous than running. The three major aspects of snow shoveling—resistance, not breathing properly during exertion and cold air—combine to increase heart rate and blood pressure to levels that can be fatal.

Shoveling improperly can also increase the risk of back injury significantly. Poor positioning, twisting at the waist and lifting heavy snow on the end of a shovel can adversely affect the lower back with muscle strain, ligament sprains and possible vertebral and disc damage.

Any company that has facilities where snow or ice can occur should have procedures for their removal.

- 1 For large areas, such as parking lots, consider hiring contractors (with their own equipment liability insurance) to do the work.
- 2 If you use your own snow removal equipment, make sure it is well-maintained and employees using it have received training on its proper use and safety.
- 3 If you ask an employee to shovel smaller areas (i.e., walkways, conveyor belts, etc.), make sure he or she is in good condition and has a good shovel. Newer shovels have anti-stick coatings, which can help minimize strain when dealing with heavy or wet snow.
- 4 Train any employees who

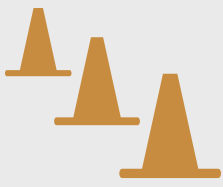
This just in...

In a recent survey of British union safety representatives, 61 percent called workplace stress the biggest workplace safety problem, an increase of 5 percent in the last four years. The reps blamed rising stress on excessive workloads, rapid change and job cuts.

What's happening with rates across the U.S.? New Mexico is lowering its workers' compensation rates, effective January 1, 2007. California workers' compensation costs are continuing to drop from reforms made in 2003 and 2004.

On the opposite coast, Florida workers' compensation rates continue to drop from reforms in 2003 and 2004 as well. Meanwhile, South Carolina's rates continue to spiral upward and New York has the second-highest claims costs in the nation, even though its benefits are among the lowest.





Workers' Compensation, Safety, and Multiple-Injury Employees

Workers who have filed a compensable lost time claim are more than twice as likely to file an additional claim, according to recent research. Multiple injuries can indicate a worker hasn't healed completely—or a safety problem.

In a recent article in the *Chicago Sun-Times* (October 19, 2006), the author quoted an employee with numerous workers' compensation injury claims who said that "the city is a dangerous place to work." With more than \$340,000 received in claims payments over his tenure, the employee stated that his injuries were a direct result of other workers not being careful. In one example, he said that mechanics continued to leave oil on the floor of the shop, which caused him to slip and fall numerous times while attempting to clean up. Apparently it did not occur to the worker that he had a responsibility toward maintaining a safe working environment, as well.

Human resources and the safety department need to make a joint effort to identify and correct problems related to multiple-

injury employees. Everyone shares the responsibility to correct workplace hazards, which include improper employee practices. This includes managers, supervisors and front-line employees participating in hazard recognition and removal.

Review the injury database and find those employees who have had numerous reported injuries, whether they have taken workers' compensation benefits or not. One steel mill reviews injury reports every month, and any person having three or more injuries—regardless of severity—is identified and meets with their supervisor and department manager to discuss the importance of safe performance and the employer's expectation that the employee will follow procedures. Continuing to make the list will lead to a job probation, up to and including termination. One manager states it this way: "Sometimes we have to protect people from themselves as well as others."

About 70 percent of injuries are directly related to housekeeping issues. Poor housekeeping reflects poor work habits as well as poor management skills. Get a handle on improving housekeeping and numerous hazards will go away. Communicate with your employees the importance of maintaining a safe and productive work environment and each employee's responsibility for doing so.

Also communicate with your managers about their responsibility to help their employees meet expectations. A mechanic who walks away from an oil spill he created is not doing his job; another employee who sees the hazard and walks through it or ignores it is not doing his job; and a manager who condones sloppy or incomplete work and provides little or no guidance to the employee is not doing her job.

So how do you get everyone to participate

in eliminating hazards? Don't start with the "Because OSHA says so" philosophy. Instead, communicate why something is dangerous and why it's important to eliminate or reduce the hazard.

Train employees and managers in hazard recognition. Too often the safety professional identifies what may be an obvious hazard while employees continue to work around it unrecognized. Once employees know what to look for, they can correct or remove it.

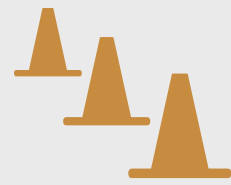
Encourage employees to take initiative to correct identified hazards through a safety recognition program. It doesn't have to cost much but it will save you profits, time and employees in the end. Also, include safe performance as an accountability factor equal to attendance, quality of work and other measured factors. What counts is not having no injuries, but performing tasks the right way.

Train your managers in their roles and responsibilities, helping them to understand the value of their front-line duties with employees. Observation skills, interpersonal skills and accountability are all essential in daily interaction with employees.

When everyone works together toward recognizing and eliminating hazards, synergy occurs and the work environment improves. Employees change unsafe conditions and unsafe or at-risk practices, and fewer opportunities for injuries to occur arise. This lowers the number of injuries, which lowers workers' compensation claims and costs. Dollars and lives are saved as a result.

Don't let employees play the blame game to excuse poor work performance. Provide expectations followed by accountability. Remember that your minimum expectations will always be your employees' maximum work practice. Set the bar high for your employees and your managers and reap the benefits. ■





WINTER—continued from Page 1

will be shoveling to use a good lifting technique.

- 5 If snow continues to fall, keep walkways clear. Regularly clean up melting snow inside doorways—if you don't have doormats, consider installing absorbent, non-slip ones for the winter months.
- 6 Ask all employees to report any unsafe areas that need attention: safety is everyone's responsibility!

In addition to creating slippery walking conditions, snow can create additional work hazards not normally part of our routine. Conveyor belts, for example, require snow removal prior to starting up. Heavy mobile equipment, such as loaders, excavators and off-road haul trucks, require special attention as well. Walkways, stairs, ladders, platforms and other work access areas left unattended become dangerous, including the potential of weights exceeding structural safety limits. Allow additional time to remove snow/ice and clean these areas to protect the equipment and workers. Failure to account for such conditions can be catastrophic!

Hazardous driving: Snow and ice can create havoc almost immediately on the roads. Roads need only a thin layer of freezing rain pellets for chain-reaction accidents to start. Ice alone can create “black ice”—a potentially fatal condition on roadways that drivers cannot see. Freezing rain makes visibility difficult, if not near impossible, through vehicle windows.

Caution employees, especially those who drive on the job, to prepare themselves for winter conditions. This includes allowing more time, slowing driving speed and increasing following distance behind other vehicles and thoroughly cleaning windshields and all windows for improved visibility. You'll also want to recommend the use of warm gloves (to protect hands from frostbite) and sunglasses (to protect eyes from glare) for increased comfort and safety.

Preparing vehicles: Give company vehicles a pre-winter tune-up: replace or recharge weak batteries, ensure all lights are working properly, check the radiator for sufficient antifreeze, use windshield washer fluid with al-

cohol so it will not freeze, replace wiper blades that streak, and have an ice scraper available to remove ice from the windshield and other windows.

For emergencies, every vehicle should carry a shovel; sand, salt, or kitty litter for traction; jumper cables; a flashlight (that works!); a blanket; warning devices, such as flares; and a cellular phone or other means of communication.

Frostbite: This occurs when skin is exposed to freezing temperatures. Since skin cells are made mostly of water, continued exposure to freezing conditions can cause the water in the cells to freeze. This forms ice crystals within the cells, which damages or destroys the cells. As a result, a person will experience pain, severe swelling of the affected part, and may develop gangrene.

To prevent such injuries, always ensure that skin parts are covered when exposed to freezing temperatures. Skin “feels” the temperature it is exposed to, whether ambient or relative. Parts most commonly affected by frostbite are earlobes, the nose, cheeks, fingers and toes. It is critical to keep these parts covered and dry. Those who work outdoors should always have an extra pair of socks and/or gloves and wear a hat with earflaps.

Hypothermia: This results from continued exposure to cool temperatures for long periods of time, which causes your body core temperature to drop. The potential worsens when clothing becomes wet, either from sweating or from the traditional fall and winter “drizzle.” Wearing wet clothing will cause body core temperatures to drop as clothing is exposed to the cold air and the evaporation process removes heat from under the wet clothing. Wearing a hat helps—up to 75 percent of body heat can be lost through your exposed head, even though the rest of your body is layered and insulated!

Shivering marks the onset of hypothermia. This occurs when the body temperature drops to 95 degrees F. If ignored and the body temperature drops to 92 degrees F, the shivering mechanism stops and further complications develop. Treatment for hypothermia includes gentle rewarming of the body; maintaining

dry, layered clothing; and drinking warm, non-alcoholic beverages.

Plan, prepare and anticipate. Make life safer this year by being ready for all that winter brings. ■

NO-FAULT—continued from Page 4

of injury. A consistently applied substance abuse policy with 100 percent post-incident testing will help identify claims involving alcohol or drug use. Likewise, an employee who intentionally injures himself at work will not be compensated. As an employer, be careful with this one. The employer may become liable for tort action in comparative negligence states. Employers are also open to tort litigation if an employee is injured as a result of a known workplace hazard that the employer allowed to continue rather than correcting.

Sometimes, involvement of a third party will affect workers' compensation responsibilities and benefits. When the negligence of a third party leads to an employee's injury, the employer or insurer may be able to recover monies paid under workers' compensation from that party. Examples include when a contractor's employees cause injury to the employer's workers, when manufacturers provide faulty equipment that causes injury or when an intentional action by a co-worker (such as workplace violence) leads to injury.

An employer can face liability suits outside the workers' compensation arena when it uses a contractor that fails to insure its workers and one of those workers gets injured on the employer's worksite. Employers with contractor relationships need written contracts that require contractors to carry workers' compensation coverage and that indemnify your company for claims arising from the contractor's work. Employers that regularly employ contractors for on-site work will want to use an association or corporate attorney to draft a template or a specific contractual agreement.

Each state has its own statutes and procedures for filing and administering workers' compensation claims. Becoming familiar with your state's requirements can optimize your protection and your employees' benefits. For assistance, please call us. ■



Workers' Comp 101

'The No-Fault' System...

Knowing what workers' compensation covers—and what it doesn't—can help you get the most out of your coverage.



Before the establishment of the first workers' compensation system (in Wisconsin in 1911), employers had sole discretion whether to make payments to or on behalf of an injured employee. Medical costs were the responsibility of the injured employee, and time lost from work also meant a loss of income. Injured employees rarely sued the employer for fear of job loss and, if civil litigation occurred, the employer could often side-step financial responsibility if the employee was negligent in any way or if the injury resulted from a third party on the work site. If an employee did sue the employer and won, awards could be astronomical, causing potential hardship for the employer and placing the other employees' jobs at risk.

To better protect employees and employers, almost every state, along with the District of Columbia, has workers' compensation statutes. Only Texas makes workers' compensation truly optional, but insurance plans are available.

Separate systems cover federal workers and those in maritime trades. With limited exceptions, workers' compensation covers injured workers regardless of who is at fault, in exchange for the employee not suing the employer under tort litigation (again, with limited exceptions).

So what features do workers' compensation systems have? First, the employer (or its insurer) agrees to promptly pay injured workers' medical costs and to make prompt and regular (partial) replacement of lost wages. In exchange, workers waive their right to sue the employer for injuries. (Although there are some exceptions, which we'll discuss later.) As a no-fault system, workers' compensation helps reduce the conflicts due to litigation, makes employers' costs more predictable and standardizes the benefits injured workers receive. In addition, workers' compensation can encourage safety, as many insurers offer incentives, such as discounted premiums, to employers for maintaining a safe work environment.

Although the workers' comp system is no-fault, just because something happens at work does not mean workers' compensation statutes automatically cover it. These exclusions and exceptions may place the burden on the injured employee but may also open the employer to tort litigation in some circumstances.

For example, workers' compensation excludes coverage for workers under the influence of drugs or alcohol at the time

NO-FAULT—continued on Page 3

New WC Risks

According to the Insurance Information Institute, new risks have emerged for workers' compensation during 2006. These include: workers with limited English language skills and undocumented workers, who have high incident rates of injuries and fatalities (especially pronounced in Latino workers); the latent risk associated with first responders working major catastrophes, who show high frequencies of respiratory ailments along with "traditional" injuries; and the problems of re-integrating returning veterans, who may have

physical and psychological injuries, into the workforce.

Driving While Distracted

Using a cell phone could impair driving as much as drinking, found a study published in *Human Factors: The Journal of the Human Factors and Ergonomics Society*. The study tested responses of 40 volunteers on driving simulators while undistracted, while using a handheld cell phone, while using a hands-free phone and while intoxicated to a .08 percent blood alcohol level, the av-

erage for being legally considered impaired in the U.S.

The study found that both intoxication and cell phone use impaired reflexes. Drivers using a cell phone drove and responded more slowly to events and were more likely to be involved in an accident. Drivers who were intoxicated also drove more slowly but more aggressively, requiring them to brake harder. Although none were involved in an accident during this study, the link between intoxication and accidents has been proven many times. Interestingly, the study found no difference in reaction time between drivers using handheld vs. hands-free cell phones. ■