

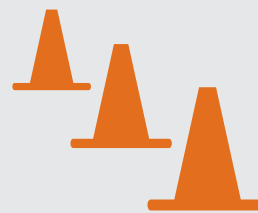
Workers' Comp & Safety News



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Safety

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Stress & Workers' Compensation

An estimated 60 percent of work absences stem from psychological problems – at a cost of over \$57 billion yearly.

Most workers' compensation claims result from a physical injury, such as slip-and-fall accidents or cumulative trauma. However, some claims involve injuries you can't see—so-called mental or stress claims.

How does stress affect workers' health?

Experts agree that job stress can cause or aggravate health problems. *The Encyclopaedia of Occupational Safety and Health* reports that cardiovascular disease, suicide, cancer, ulcers and impaired immune function may be linked to stressful working conditions. Research by the National Institute of Occupational Safety and Health (NIOSH) and many other organizations indicate that job stress may increase the risk for development of back and upper-extremity musculoskeletal disorders.

Other studies suggest that differences in rates of mental health problems (such as depression and burnout) for various occupa-

tions are due partly to differences in job stress levels. (Economic and lifestyle differences between occupations may also contribute to some of these problems.) Although more study is needed, concern is growing that stressful working conditions interfere with safe work practices and set the stage for injuries at work.

How much does job-related stress cost?

These health problems come at a high cost to employers. The American Psychological Association estimates that 60 percent of work absences stem from psychological problems – at a cost of over \$57 billion yearly. The *Journal of Occupational and Environmental Medicine* says that workers who report high levels of stress have health care expenditures nearly 50 percent higher than other workers.

Job-related stress has indirect costs as well. It increases interpersonal problems and reduces productivity. According to a recent article on HRnext.com,

“Highly stressed workers are rude and alienating to co-workers, clients, vendors, and customers. Stress causes workers to make errors and burn out on the job. It causes workplace turnover. It distorts emotional and physical perception, causing workers to overreact to normally small incidents and to overlook safety problems. It lowers productivity and can cause accidents.”

Workers' compensation stress claims can take three different forms:

- ✦ Physical-mental claims – where a compensable physical illness or injury leads to a mental condition or disability.
- ✦ Mental-physical claims – where mental stress leads to a physical illness or condition, such as a heart attack.
- ✦ Mental-mental claim – where mental stress results in a mental condition or disability.

Abuse and rising costs have prompted some states to limit workers' compensation coverage for stress claims. These include:

This Just In...

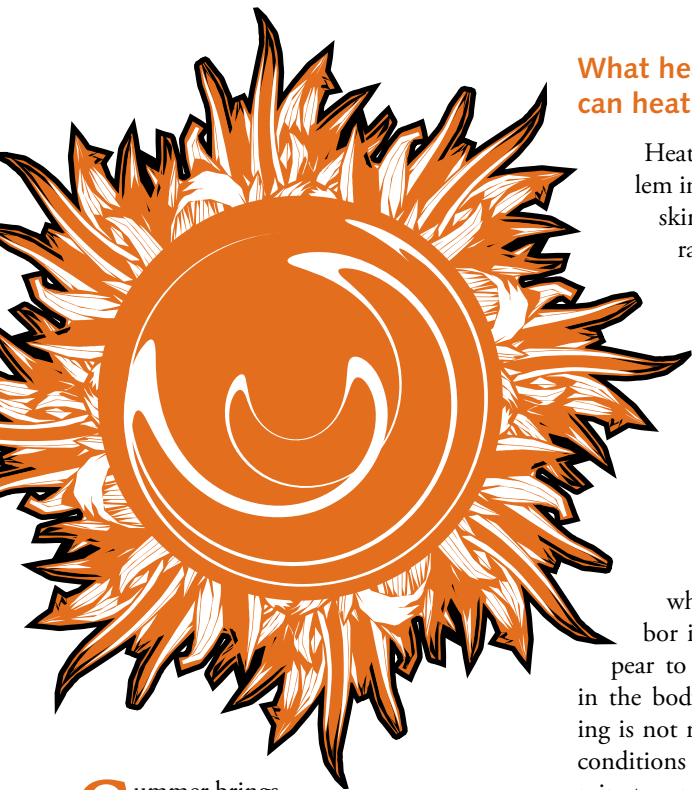
Off-duty fatality qualifies for workers' comp

The Georgia Supreme Court ruled that the family of Howard King, a Florida resident, was entitled to workers' compensation benefits for a fatal traffic accident that occurred while Mr. King was in Georgia temporarily on business. Although the accident occurred while he was on leave, the court held that Mr. King was in “continuous employment” because he was a traveling employee and the accident occurred while he was near the worksite or his company-provided housing.

The case points out some of the pitfalls of insuring traveling employees. Many states have “continuous employment” doctrines, either through statute or legal precedent. And the King case went to the Georgia courts, rather than Florida's, because workers' compensation laws of the state in which the injury occurred apply, not those of the employee's state of residence or employment. Before sending an employee on a business trip, employers would be wise to secure “other states” coverage to avoid potentially costly coverage gaps.

Preventing Heat Stress

Heat stroke, the most serious heat-related illness, kills about 500 people a year in the U.S.Heat stroke is very serious and should be prevented at all costs.



What health problems can heat cause?

Heat rashes are the most common problem in hot work environments where the skin is persistently wet with unevaporated sweat. “Prickly heat” manifests as small red bumps (“papules”), usually in areas where the clothing is restrictive. As sweating increases, these bumps cause a prickling sensation. Heat rash papules can become infected if not treated. Most heat rashes will disappear when the individual returns to a cool environment.

Heat cramps usually occur when performing hard physical labor in a hot environment. Cramps appear to occur due to excess salt build-up in the body when water lost through sweating is not replaced. Workers in hot or humid conditions should take water every 15 to 20 minutes, regardless of thirst. Under extreme conditions, such as working for 6 to 8 hours in heavy protective gear, a loss of sodium may occur. Drinking commercially available carbohydrate-electrolyte replacement liquids can minimize physiological symptoms during recovery.

Heat stress occurs when heat generated by working muscles and heat from warm environments builds up in the body. When the body becomes overheated, blood goes to the surface in an attempt to cool the body, leaving less blood going to the active muscles, brain and other internal organs. Workers get weaker, become tired sooner and may be less alert, less able to use good judgment, and less able to do their jobs well.

Heat exhaustion results when the body is subjected to more heat than it can cope with. Body temperature and heart rate rise rapidly; a person experiencing this might not realize it because it involves no pain. An increase in body temperature of 2°F above normal can

affect mental performance; an increase of 5°F can result in serious illness or death. Heat exhaustion symptoms include headache, nausea, vertigo, weakness, thirst and giddiness. Fortunately, this condition responds readily to prompt treatment. Workers suffering from heat exhaustion should be removed from the hot environment and given fluid replacement. They need rest and when possible, ice packs.

Heat exhaustion can also lead to heat collapse, where individual faints because his/her brain does not receive enough oxygen because blood pools in the extremities. Heat collapse occurs suddenly and can lead to injury if the victim falls or is operating machinery at the time. Treatment for heat collapse is the same as for heat exhaustion.

Heat stroke, the most serious heat-related illness, kills about 500 people a year in the U.S. Heat stroke occurs when the body’s temperature regulation fails and body temperature rises to critical levels. Heat stroke’s symptoms include confusion; irrational behavior; a lack of sweating (usually); hot, dry skin; and an abnormally high body temperature, such as 105.8°F (41°C). These can result in convulsions, coma and even death.

Heat stroke is very serious and should be prevented at all costs. More than 20 percent of people afflicted by heat stroke die, even young and healthy adults. Those who survive can become very sensitive to heat for months and experience varying degrees of brain and kidney damage.

If a worker shows signs of heat stroke, obtain professional medical treatment immediately. Until help comes, place the worker in a shady, cool area and remove outer clothing. Wet the worker’s skin and move the air around the worker with a fan or other means to improve evaporative cooling. Replace fluids as soon as possible.

The timing and effectiveness of first aid treatment affects medical outcome, along with the victim’s physical fitness, so don’t delay treatment if you suspect heat stroke. Even if they protest, don’t send employees suspected of being ill from heat stroke home or leave them unattended without a physician’s approval.

Not just a health problem

In addition to creating serious, immediate health problems, heat can affect safety and

Summer brings warm weather—and increased danger of heat stress. Those who work outdoors are most vulnerable to heatstroke, particularly in summer months, but other work environments can also expose workers to excessive heat. These include commercial kitchens, laundries, chemical plants, foundries, and the like.

Other factors besides hot environments can increase the chances of heat-related health problems. These include:

- ✱ Age – older workers are more susceptible
- ✱ Excess weight
- ✱ Lack of physical fitness
- ✱ Lack of acclimatization
- ✱ Dehydration
- ✱ Protective gear that inhibits heat loss
- ✱ Prior heat injury
- ✱ Hypertension (high blood pressure)
- ✱ Use of alcohol or certain drugs



HEAT STROKE—continued from Page 2

health in less obvious ways. Accidents appear to occur more frequently in hot environments than in more moderate conditions. Heat can impair physical performance and lower mental alertness. Increased body temperature and physical discomfort can also cause workers to become irritable or angry, which can distract attention from hazardous tasks or cloud judgment. Heat can also promote accidents by causing palms to become sweaty and slippery, by causing dizziness or causing safety glasses to fog.

Preventing heat-related conditions

Avoidance is the best preventive measure for heat-related conditions.

- ✦ For indoor environments, engineered solutions include improved ventilation, installation/upgrading of air conditioning, insulation of heat sources and increased conduction (movement of air) through fans or “swamp coolers.”
- ✦ For outdoor environments, reschedul-

ing work or using human resources differently can prevent problems. Reschedule work for cooler times of the day, such as early morning. Minimize heavy physical work, or spread it out over more workers than you would ordinarily use.

- ✦ Schedule water and rest breaks. Provide cooler recovery areas, where employees can rest in the shade or an air-conditioned space. Make water breaks mandatory, not optional. A worker in a hot environment should drink small amounts of water or other non-alcoholic beverages (about one cup) every 15-20 minutes. Cool liquids (50-60°) are best.
- ✦ Workers in heavy or hot protective gear should periodically check their heart rate for signs of exhaustion. Have them count their pulse for 30 seconds at the beginning of each rest period. If the heart rate exceeds 110 beats per minute, they are excessively fatigued. Shorten the next work period by one-third and maintain the same rest period.

- ✦ Acclimatize workers who must be exposed to a hot environment gradually. NIOSH, the National Institute of Occupational Safety and Health, suggests that workers who have had previous experience in jobs where heat levels are high enough to produce heat stress may acclimatize with a regimen of 50 percent exposure on day one, 60 percent on day two, 80 percent on day three, and 100 percent on day four. For new workers who will be similarly exposed, the regimen should be 20 percent on day one, with a 20 percent increase in exposure each additional day.
- ✦ Evaluate whether specialized cooling garments will work for your situation. These range from high-tech clothing, such as lightweight reflective gear (best in dry, high-heat or high-light environments) and circulating-air garments, to the relatively low-tech solutions of ice vests (filled with ice packs or dry ice) and wetting outer garments.

- ✦ Train all employees on how to prevent and recognize the signs of heat-related illness. Educate them on the dangers of using alcohol in hot environments. Have employees on prescription drugs check with their physicians to see if they increase chances of heat fatigue.

- ✦ Train at least one member of each work crew in first aid and CPR. Have a complete first aid kit available at every work site.

For more information on preventing heat-related or other occupational illnesses, please call us. ■

STRESS—continued from Page 1

- ✦ Louisiana, which does not consider mental injury, heart or perivascular diseases occupational diseases, although it will compensate them under certain circumstances
- ✦ North Dakota, which does not consider stress an occupational disease unless it manifests as an “acute reaction to a traumatic event”
- ✦ Washington, which specifically excludes mental claims
- ✦ West Virginia, which specifically excludes mental claims.

(Source: *Analysis of Workers’ Compensation Laws 2006*, U.S. Chamber of Commerce)

Most other states either pay mental-mental claims (albeit with some limitations) or lack precedent on the issue.

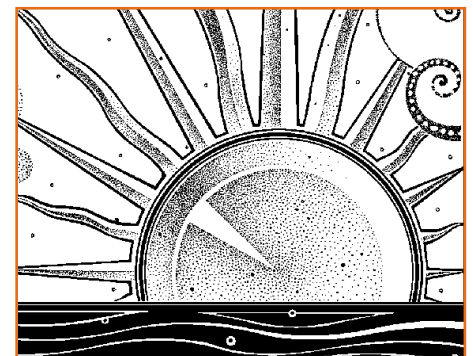
An employee files a stress-related workers’ compensation claim in the same way he or she would file for a back injury or any other claim. In the states that compensate for mental-mental claims, the claimant generally has to prove that the illness is caused “predominantly”

by work; that the stress is not caused by good faith personnel actions, such as discipline, or change in job status due to the employee’s inability or refusal to fulfill the job’s duties; and that the stress does not result from personality conflicts, unless harassment is involved.

Employee assistance programs (EAPs) can help employees cope with stress and may reduce your workers’ compensation and health insurance costs. For more information, please call us. ■

Spotting signs of job-related stress

Headaches, short tempers, sleeping problems and low morale can all indicate job-related stress, according to NIOSH. Any of these can contribute to inattention and an increase in risk-taking behaviors, both of which can lead to accidents.



Second Injury Funds: What they are, how they protect employers and employees

Most states have “second injury funds” under their workers’ compensation systems. States created these funds to encourage employers to hire workers with a partial disability by protecting them from having to take on liability for previous injuries.

When a partially disabled worker receives another injury, the new injury can worsen the pre-existing condition, resulting in substantially higher medical or disability costs than the second injury alone would have caused. Workers’ compensation second injury funds will pay some of these costs, according to rules established by state statute.

Filing a claim

If your state has a second injury fund, you can take steps to bolster your case if you should need to file a future claim. As



soon as you hire or receive information about an employee’s existing disability, make a written record. This can be a report on the employee’s pre-employment physical exam, notes signed and dated by the interviewer or hiring supervisor, or the employee’s written request for accommodation of a disability under the Americans with Disabilities Act (ADA).

That brings up an interesting point. Some states discontinued their second injury funds following passage of the Americans with Disabilities Act (ADA). Although the ADA was supposed to help disabled individuals find employment,

the U.S. Census Bureau found that the unemployment rate among “family householders” with a disability was nearly 20 percent in 2000, vs. about 4 percent for the overall population that same year. Clearly, second injury funds serve an important purpose.

For more information on second injury funds or other issues involved in hiring the disabled in our state, please call us. ■

Second Injury Funds: The Details

What states have them?

All states except for Alabama, Florida, Kansas, Kentucky, Maine, Minnesota, New Mexico, South Dakota and Vermont have a second injury fund for workers’ compensation.

What they pay

What exactly a second injury fund will pay depends on the state. Some, such as Delaware, require the employer to pay for the disability caused by the second injury, while the fund pays the difference between that and compensation for the existing permanent disability. Many others don’t pay benefits until the employer has paid benefits for a specific period of time, typically 104 weeks.

What injuries are eligible

Some states have very specific criteria for second injury fund eligibility. In California, for example, the second injury plus the preexisting disability must result in 70 percent or more permanent disability; the second injury must generally account for 35 percent of that disability. In these cases, the fund pays the difference between compensation payable for the second injury and permanent disability. The employer (or its insurer) pays for the disability caused by the second injury.

Other states have less explicit guidelines. In Louisiana, for instance, an injury qualifies for second injury funds if the second injury combined with a known prior partial disability results in a “substantially greater” disability than from the second injury alone or death. ■