

# Workers' Comp & Safety News

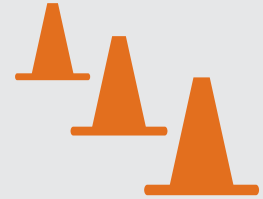


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Safety

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## Improve Your Eye-Q: Avoid Eye Injuries

Each day about 2,000 U.S. workers have a job-related eye injury that requires medical treatment. About one third of the injuries are treated in hospital emergency departments and more than 100 of these injuries result in one or more days of lost work. Men experienced far more eye injuries than women, and men age 25 to 44 suffered more eye injuries than men in other age groups.



Potential eye hazards are found in nearly every industry. However, workers who were most at risk of incurring an eye injury include those in the manufacturing, construction and trade industries; and those in the production, installation, maintenance, repair, extraction and service occupations.

The majority of eye injuries result from small particles or objects striking or abrading the eye. Examples include metal slivers, wood chips, dust and cement chips

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## This Just In

Earlier this year, an Oregon woman won workers' compensation benefits for breaking her arm while tripping over her own dog.

The case, *Mary S. Sandberg vs. J.C. Penney Co. Inc.*, involved a decorator who spent most of her working time meeting with customers in their homes. Penney required her to have all current fabrics on hand. Because she could not safely store all of them in her vehicle, the employer instructed her to store the fabrics at home, or any other safe and dry place. Sandberg tripped on her dog when removing 'old' fabrics from her van and replacing them with fabrics stored in her garage.

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that are ejected by tools, blown by wind or fall from above a worker. Some of these objects, such as nails, staples or slivers of wood or metal, can penetrate the eyeball and result in a permanent loss of vision. Large objects may also strike the eye/face, or a worker may run into an object causing blunt force trauma to the eyeball or eye socket. Chemical burns to one or both eyes from splashes of industrial chemicals or cleaning products are common. Thermal burns to the eye occur as well. Among welders, their assistants, and nearby workers, UV radiation burns (welder's flash) routinely damage work-

ers' eyes and surrounding tissue.

In addition to common eye injuries, health care workers, laboratory staff, janitorial workers, animal handlers and other workers may be at risk of acquiring infectious diseases via ocular exposure. Infectious diseases can be transmitted through the mucous membranes of the eye as a result of direct exposure (e.g., blood splashes, respiratory droplets generated during coughing or suctioning) or from touching the eyes with contaminated fingers or other objects. The infections may result in relatively minor conjunctivitis or reddening/soreness of the eye, or in a

**Her employer denied the claim, saying the dog was not an employment-related hazard, as did the administrative law judge and the state workers' compensation board. On review the board reversed, saying, "If an employer, for its own advantage, demands that a worker furnish the work premises, the risks of those premises encountered in connection with the performance of work are risks of the work environment, even if they are outside of the employer's control, and injuries resulting from those risks arise out of the employment."**

**For more on managing telecommuting risks, please see P. 4.**

## Five Steps to Improve Eye Safety

### 1 Create a safe work environment

- Minimize hazards from falling or unstable debris.
- Make sure that tools work and safety features (machine guards) are in place.
- Make sure that workers (particularly volunteers) know how to use tools properly.
- Keep bystanders out of the hazard area.

### 2 Evaluate safety hazards.

- Identify the primary hazards at the site.
- Identify hazards posed by nearby workers, large machinery, and falling/shifting debris.

### 3 Wear the proper eye and face protection.

- Select the appropriate Z87 eye protection for the hazard. (Z87 re-

fers to ANSI Z87.1, a standard for occupational eye and face protection from the American National Standards Institute.)

- Make sure the eye protection is in good condition.
  - Make sure the eye protection fits properly and will stay in place.
- ### 4 Use good work practices.
- Use caution—Brush, shake, or vacuum dust and debris from hardhats, hair, forehead, or the top of the eye protection before removing the protection.
  - Do not rub eyes with dirty hands or clothing.
  - Clean eyewear regularly.
- ### 5 Prepare for eye injuries and first aid needs.
- Have an eye wash or sterile solution on hand. ■

life-threatening disease such as HIV, Hepatitis B, or possibly even avian influenza. If a worker can prove his/her disease stems from work-related causes, workers' compensation may apply.

In some states, the workers' compensation system presumes that certain diseases, such as HIV and hepatitis, are work-related for health-care and public safety workers. This means that if an eligible worker contracts a condition specified by workers' comp law, he/she is automatically eligible for lost time and medical expense benefits under workers' compensation without having to prove the disease is work-related.

Occupational Safety and Health Administration (OSHA) standards require that employers provide workers with suitable eye protection. To be effective in preventing injury, the eyewear must be of the appropriate type for the hazard encountered, and it must be properly fitted to the individual or adjustable to provide appro-

priate coverage. It should be comfortable and allow for sufficient peripheral vision. Selection of protective eyewear appropriate for a given task should be made based on a hazard assessment of each activity, including regulatory requirements when applicable.

If affected employees wear prescription lenses while engaged in hazardous operations, the employer must ensure that their eye protection incorporates the prescription, or that eye protection can be worn over prescription lenses without disturbing the proper position of the prescription lenses or the protective lenses.

The employer must ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation. If a hazard from flying objects exists, eyewear must also provide side protection. Detachable side protectors (such as clip-on or slide-on side shields) are acceptable.

Employers should also use engineering controls, such as screens, to reduce eye injuries and to protect against ocular infection exposures. Personal protective eyewear, such as goggles, face shields, safety glasses or full face respirators must also be used when a possibility of eye infection exists. The eye protection you choose will depend on the nature and extent of the hazard, the circumstances of exposure, other protective equipment used, and the employee's personal vision needs.

We can help you evaluate eye safety at your worksite. For more information, please contact us. ■

## The Cost of Chronic Pain

Earlier this year, the Institute of Medicine issued a report estimating that U.S. businesses lost between \$297.4 billion and \$335.5 billion in productivity due to chronic pain. Chronic pain affects some 116 million Americans—some of whom might be your employees.



Since workers' compensation claims must start with a work-related injury or illness, reliable estimates of what pain itself costs the workers' compensation system every year do not exist. However, the powerful painkiller OxyContin recently became the top prescribed prescription drug in the workers' compensation system, in terms of dollars paid.

The lack of an agreed-upon definition for chronic pain makes any study of the topic difficult. The International Association for the Study of Pain (IASP) defines chronic pain as "...pain without apparent biological value that has persisted beyond the normal tissue healing time (usually taken to be three months)." It can also include symptoms of anxiety, depression, fear and anger.

Regardless of how it is defined, pain is probably costing your business money. One study found that in a two-week period, 13 percent of the total workforce experiences pain serious enough to lose productivity. According to Walter Stewart, a researcher at the Center for Work and Health at AdvancePCS who reported his findings at the 10th World Congress on Pain, most of the cost of pain is hidden to employers. He estimated employers lose about \$64 billion a year due to lost productivity of workers who are present, but unable to work to capacity.

Many studies have pointed out the link between mental state, particularly depression, and the experience of pain. For workers with depressive tendencies, a holistic intervention program that acknowledges the mind/body link could

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help prevent chronic pain. Some third-party administrators and insurers are looking at innovative ways of controlling chronic pain claims. This includes early review of claims involving multiple painkillers, claims in which pain is a component for more than 30 days, and intervention by holistic practitioners.

Holistic pain management programs can be expensive and most are unproven at this time. Because the purpose of workers' compensation medical treatments is to get the worker well enough to return to work as soon as possible, insurers might be reluctant to refer a worker to a holistic pain management program. Another reason for their reluctance could stem from the nature of the workers' compensation agreement itself — workers' compensation laws require the employer to compensate injured workers for lost wages and to provide medical treatment and rehabilitation services. It does not obligate them to pay for pain and suffering. However, neglecting the importance of treating pain can prolong a claim or, even if the worker returns to work, reduce his/her productivity.

Some ideas that can help your organization reduce the frequency or severity of chronic pain claims include:

- ✱ In cases of chronic pain, consider seeking treatment from a holistic center or pain specialist. Seek referrals from occupational health specialists — pain specialists vary widely in training and approach. Some use primarily noninvasive techniques, such as drugs, physical therapy and counseling, while others specialize in invasive techniques, such as surgery. Ask pain specialists for information on outcomes.

- ✱ If your workers' compensation insurer will not cover so-called alternative treatments, take a look at your state's workers' comp laws. Some states require workers' compensation to cover specified alternative treatments, such as chiropractic, acupuncture and massage, when prescribed by a treating physician. Others, such as California, allow certain alternative providers to treat industrial injuries without a physician's referral.

- ✱ If an injured employee has exhausted alternative treatment benefits, see if your group medical program will pay for such treatments. The savings you realize by returning an injured worker to the job free of pain could outweigh any cost to your medical program.

- ✱ Focus on prevention. Fitter employees are less likely to experience painful or degenerative conditions such as arthritis. Fit individuals also recuperate more quickly from surgery and injuries. A wellness or health promotion program can encourage employees to become fitter.

- ✱ Look at ergonomic conditions. Poor ergonomics can contribute to or worsen conditions such as muscle strain, headache and other pain-causing conditions.

- ✱ Don't neglect the mind-body link. If depression and/or anxiety might be playing a role in chronic pain claims, ensure the injured worker gets the needed treatment. If your workers' compensation insurer will not provide coverage, check whether your group medical plan or employee assistance plan will provide benefits.

For more suggestions on preventing injuries and illness, please contact us. ■

## Workers' Compensation and the Telecommuter

The terms "telework," "telecommuting," "flexible workplace," "remote work," "virtual work" and "mobile work" all refer to work done outside of the traditional on-site work environment. These terms refer to anything from jobs that are completely "virtual" or mobile, to arrangements that enable employees to work from home a few days per week or per month. Regardless of what you call it, telecommuting can raise some problematic workers' compensation questions.

Potential eye hazards are found in nearly every industry. However, workers who were most at risk of incurring an eye injury include those in the manufacturing, construction and trade industries; and those in the production, installation, maintenance, repair, extraction and service occupations.

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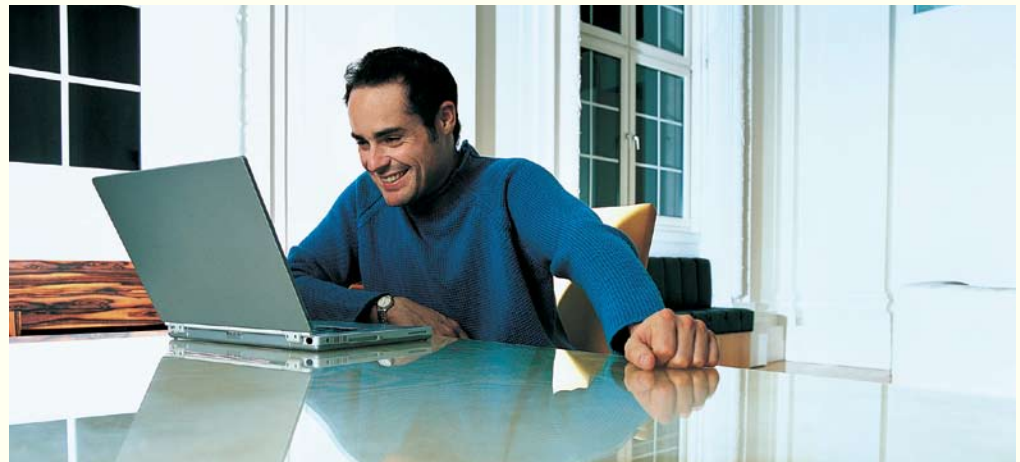
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## Simple Steps to Reduce Telecommuting-Related Risks

### Employers' responsibilities:

- 1 Provide clear job descriptions, goals and reporting procedures for your telecommuting employees.
- 2 Ensure your workers' compensation coverage applies to telecommuters. For example, if you have out-of-state teleworkers, make sure you have "other states" coverage.
- 3 Verify that the organization's general liability policy applies to the acts of telecommuters.
- 4 Provide workers with the right equipment and support.
- 5 Offer training and guidelines for efficient teleworking.

- 6 Ensure your employees know what to do in the event of a work-related injury and how to report a claim. Stress the importance of early reporting.
- 7 If your workers' compensation insurer has a network of preferred providers, make sure your telecommuting employees have a list of nearby providers and their contact information.

### Employees' responsibilities:

- 1 Provide work space, with ergonomically correct chair, desk and computer equipment.
- 2 Complete a safety checklist certifying

- the space is free from hazards. This checklist is not legally binding, but details management expectations and, if signed, assumes employee compliance.
- 3 Verify that having a home work space will not violate the terms of their homeowners insurance policy, community CC&Rs or local ordinances.
- 4 Immediately report any work-related accident to the supervisor with all medical documentation related to the accident. If the employer's workers' compensation claims manager or insurer deems an inspection necessary, the employee agrees to cooperate with the inspector. ■

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