



Electronic Devices Policy

The Network of Employers for Traffic Safety (NETS), a partnership between the federal government and large employers, is an organization dedicated to keeping employees safe while driving for work.

Jack Hanley, executive director for NETS, says employers “cannot rely on state legislation alone to keep employees safer and protect their bottom line.” He suggests employers take the initiative to create and implement policies on employee use of electronic devices while driving.

According to NETS’ survey of the large employers that make up its membership, 86% of members have implemented some form of an electronic devices

policy. Among those with a formal policy, 43% ban the use of electronic devices while the vehicle is in motion. The other 57% allow the devices to be used if a “hands-free”



component is engaged, but 100% of the policies prohibit texting while driving.

NETS recommends that employers considering such a policy use the term “electronic devices” rather than “cell phones” to eliminate ambiguity. NETS also recommends that the plan include an outright ban on texting while the vehicle is in motion.

For more information on creating and implementing a policy for your firm, visit www.trafficsafety.org.

OSHA General Duty Clause

Maybe you’ve heard of the Occupational Safety and Health Administration’s (OSHA) General Duty Clause. Maybe you know that it’s a fundamental principle of OSHA compliance. But do you know what components must exist in order for OSHA to cite an employer for safety hazards under the clause?

To help employers better understand compliance, OSHA provides the following five components. A breach of these will result in violation of the General Duty Clause and could lead to substantial penalties.

1. OSHA can show that a hazard existed.

2. The hazard was foreseeable.

3. The identified hazard was likely to cause death or serious physical harm to employees.

4. The employer knew the hazard existed. Even if the employer didn’t know, OSHA can show the hazard should have been recognized by the employer based on industry standards or common sense.

5. Employees were exposed to the hazard.

Want to learn more about OSHA’s General Duty Clause and how to ensure compliance? Visit www.osha.gov.

Fatal Accidents and Young Workers



A recent study from the National Institute for Occupational Safety and Health (NIOSH) reports that workers age 15 to 24 are about twice as likely to be involved in fatal accidents as other workers. Additionally, the study concludes that young male workers experienced higher rates of injuries and deaths than young female workers.

The death rate increases among young Hispanic workers. According to the study, Hispanic workers had a fatality rate of 5.6 per 100,000 among full-time workers. This compares to a rate of 3.3 among non-Hispanic white workers and 2.3 among non-Hispanic black workers.

Training and use of personal protective equipment were cited by NIOSH as two critical areas needing attention by employers. Mentoring and oversight, especially during a probationary period, can also contribute to a safer workplace for younger employees.

For more data and information on risks more prevalent to your young workers, visit www.cdc.gov/niosh/.

Who Determines Severity?

Injured employees often declare that they are fine and don't need further attention. Often, employers take them at their word. But is that good enough to prevent workers compensation problems?

It might not be. Workers compensation is driven by two primary factors: state law and the conditions set forth in the insurance policy. No treatment decisions should be made without first considering these two factors.

A seemingly small injury can easily evolve into something worse, and it could result in a condition that might have been avoided had proper care been shown from the beginning. If an employ-

ee and employer choose to forgo filing a claim—or the employee's ability to file a claim is hindered in any way—and the injury worsens, it could affect the way the policy covers the employee and protects the employer. Further, if there is a violation of state law, the employer could be subject to punishment.

Your workers compensation provider and our service team can help you understand when and how a claim should be submitted and under what conditions. Call us if you have any questions about your policy or the proper steps for reporting employee injuries.

Minimize Gasoline Hazards

According to the National Fire Protection Association, gasoline causes nearly 150,000 fires annually in the U.S. and costs almost a half billion dollars in property damage annually.

The American Burn Association wants you to emphasize the importance of handling the fuel correctly at your workplace.

- Use gasoline only in well ventilated areas.
- Turn off equipment and let it cool before putting gas in the tank.
- Don't store gas cans in a vehicle.
- Store gas in approved containers only and place them in a shed, garage or other place away from areas most frequented by employees.

The Association also reminds employers that burns from gasoline fires or exposure to the skin are not the only injuries gas can cause; simply breathing its fumes can cause serious injury. If employees begin experiencing dizziness, nausea, vomiting, numbness, burning sensations or respiratory problems, move them to fresh air and call 911 immediately.

Keep in mind that the fumes from burned gasoline, which contain carbon monoxide, can also cause illness or even death. Don't use gas-powered equipment indoors or outdoors near windows, doors or intake vents, and always have working carbon monoxide detectors.



Legal Drug Testing

Some employers would like to broaden the types of drugs for which they test their employees, according to *The New York Times*.

According to the report, employers are looking for a way to address the workplace effects and risk presented by the rapidly growing number of employees who rely on powerful prescription drugs for pain, anxiety and other conditions.

Quest Diagnostics, a large provider of workplace drug tests, reports the rate of employees testing positive for prescription opiates increased by more than 40% between 2005 and 2009 and by 18% in 2009 alone. The data, based on more than 500,000 drug tests, also suggests that those who tested positive after workplace accidents were four times as likely to have opiates in their systems



as those tested before being hired.

“It’s not nearly on employer radar screens as much as it should be,” said Mark A. de Bernardo, executive director of the non-profit Institute for a Drug-Free Workplace and a senior partner at Jackson Lewis, an

employment practices law firm. “Given the liability for industrial accidents or product defects or workplace injuries involving prescription drug abuse, employers cannot afford not to address this issue.”

State law varies greatly on how employers may approach drug testing. Some states prohibit or greatly restrict the process while others give more discretion to employers.

Could random drug testing save your firm premium dollars? If so, how should you approach testing to comply with state law? For assistance with these and other important questions and answers, call our service team today.

Fire Exit Strategy

Do your employees know the steps they would need to take to avoid injury caused by fire and smoke in an emergency at your workplace?

You can take a quick survey of your workforce to see if employees are prepared in the event of an emergency.

1. Can the employee identify two escape routes?
2. When is the last time they recall practicing a fire drill?
3. Can they name five common fire hazards in the workplace? (blocked exit lanes, locked emer-

gency doors, combustibles near heat sources, non-working detectors, non-working or depleted extinguishers, etc.)

4. Can they produce the name and number to which they should report safety problems or violations?
5. Can they point out a fire extinguisher and explain how to use it?
6. Do they know what to take and what to leave in a fire emergency?

Develop an emergency response plan at your workplace, for both in the office and on any external jobsites. Designate a person as

the safety chief, provide that individual’s name and contact information to all personnel, and encourage workers to pay attention to and report faulty fire emergency equipment. Run periodic fire drills and teach all employees fire prevention and response.

While many people think these drills are an unwelcome interruption, remind them that knowing fire response like the back of your hand saves lives. As a best practice, have employees read and sign an emergency response plan and review it at least annually with your workers.

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and business associates

Why Employees Don't Wear PPEs

The three most common reasons that employees do not wear personal protective equipment (PPE) are discomfort, a belief that the PPE is not necessary for the task, and concern that the equipment is unattractive or does not fit properly.

The Occupational Safety and Health Administration (OSHA) has established guidelines on the proper training and usage of PPE. However, many employers fail to relay the importance of compliance to employees. The International Safety Equipment Association surveyed members of the heavy construction industry and concluded that the main reason employees don't wear PPE is that "employers don't require or enforce usage."

Don't leave your employees' safety to chance or risk OSHA fines and penalties. Train your workers on, and enforce the proper use of, PPE.