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# Workers Compensation

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## Lightning Kills

According to the National Weather Service, deaths resulting from lightning strikes have averaged just one fewer per year than from tornadoes.

Be certain your workers know the following safety tips:

- Lightning can strike as far as 10 miles from an area where it is raining, about the same distance you can hear thunder. Therefore, if you can hear thunder, you are in range of a lightning strike. Go indoors.
- Stay away from trees. Many people seek shelter under trees in a storm, but that is one of the most dangerous places to be. Get inside a car if no building is available.



- Stay away from water and metal. And don't stand outside using a cell phone in a storm. These all attract electricity.
- Wait 30 minutes after the last strike to go back to outside work.

If a worker is struck by lightning, call 911 and get medical care immediately. You are in no danger helping a lightning victim; the charge will not affect you. Common effects from lightning strikes include cardiac arrest, burns, nerve damage, and other irregularities. Proper medical treatment is the reason more than 80% of victims survive a strike.

## Overseas Business Travel

With the globalization of both service and manufacturing, many businesses today send employees abroad to conferences and other business meetings. If they are injured in the course of their duties, you and they may turn to your workers compensation coverage. The problem is it may not insure employees who are abroad on your company's behalf.

In some cases, your employee might need treatment in a Third World country, depending on the severity of the injury and the location of the accident.

Documenting and treating employee injuries outside U.S. borders can be difficult because of language barriers and recordkeeping variations.

If any of your employees travel to other countries in the course of their employment, it is critical that you understand how your workers compensation coverage will respond. For information on what current protection is provided, as well as necessary endorsements or separate policies that may be required, call our service team today.

## Choosing Their Own Doctor



Some injured workers want to go to their own doctor for treatment. Under some insurers' plans, that is fine. Others restrict treatment to designated physicians.

Often the choice depends on the state in which the workers compensation plan is held. Some states will allow a worker who desires a specific physician to request that physician in writing to the workers compensation provider before an injury occurs.

Many states give workers the right to request a different physician at the insurance provider's expense if the worker clearly states that they do not like the doctor provided by the insurance company. However, a waiting period may exist if the worker chooses to see a second doctor. Other states will allow injured workers to transfer treatment to another doctor at the insurance company's expense if the worker is treated by the insurance company's physician for a certain time period, such as 30 days.

Your insurer has detailed information on doctor choices. See your policy for information and give us a call with any questions.

## Federal Law Affects WC Coverage

The language from the standard workers compensation policy includes a caveat that can leave gaps in your coverage. That small phrase is "workers compensation law."

The defining language for that term is as follows: "Workers Compensation Law means the workers or workmen's compensation law and occupational disease law of each state or territory named in Item 3.A. of the Information Page. It includes any amendments to that law which are in effect during the policy period. It does not include any federal workers or workmen's compensation law, any federal occupational disease law

or the provisions of any law that provide nonoccupational disability benefits."

Note that the definition covers "amendments to the law" and specifies that it doesn't include some federal laws. Do your business operations have exposure to any of the identified unincluded items? Are there any states you are now working in, or are contemplating working in, that are not listed under item 3.A. of your policy? If so, be certain your policy is properly amended or endorsed to assure your desired protection. Contact our service professionals for a complete review today.

## Measuring the Cost of Injuries

**B**usinesses are not only interested in the safety of their workers. They are also concerned with measuring the cost-benefit ratio of safety programs.

The Occupational Safety and Health Administration (OSHA) has put together a tool to help employers measure the effects of employee injuries on the bottom line so businesses can better estimate the value of safety programs.

OSHA's "\$Safety Pays" program is an interactive Web-based system to assist employers in estimating the impact of occupational injuries and illnesses on a company's profitability. The program offers choices from a set of lost workday injuries and illnesses. After selecting the injury, users will provide information for analysis. Examples of requested information include your company's profit margin and the average cost of an injury or illness. Using the information, the program will generate a report of the total costs of the illness or injury, including additional sales that will be needed to replace those costs.

\$Safety Pays allows businesses to develop a cost-benefit analysis on their own. It helps employers benchmark results and to determine the actual dollar value, not just the cost, of safety programs.



# OSHA's Free On-Site Consultation

**W**hile OSHA is often first thought of as a government entity devoted to workplace inspections and fines, it can also put all of that gathered knowledge to use in improving your safety and lowering your compensation premiums through the OSHA On-site Consultation Program.

The program offers free and confidential advice to small and medium-sized businesses in all states across the country, with priority given to high-hazard worksites. In fiscal year 2010, responding to requests from small employers looking to create or improve their safety and health management systems, OSHA's On-site Consultation Program conducted over 30,000 visits to small business worksites covering over 1.5 million workers across the nation.

On-site consultation services are separate from enforcement and do not result in penalties or citations. Consultants from state agencies or universities work with employers to identify workplace hazards, provide



advice on compliance with OSHA standards, and assist in establishing safety and health management systems. At least one company parlayed its improved workplace experience and lower claims

into a major reduction in workers compensation premiums.

For more information on putting OSHA On-site Consultation to work for you, contact OSHA or our professional services team.

## Duties Under Your Policy

When an employee is injured on the job, the first priority is to get medical treatment. But once care is provided, don't forget that your obligations under your workers compensation policy go beyond promptly providing notice of the injury to your insurance carrier. Here is the specific wording from the standard policy form:

"Tell us at once if injury occurs that may be covered by this policy. Your other duties are listed here.

1. Provide for immediate medical

and other services required by the workers compensation law.

2. Give us or our agent the names and addresses of the injured persons and of witnesses, and other information we may need.

3. Promptly give us all notices, demands and legal papers related to the injury, claim, proceeding or suit.

4. Cooperate with us and assist us, as we may request, in the investigation, settlement or defense of any claim, proceeding or suit.

5. Do nothing after an injury occurs that would interfere with our right to recover from others.

6. Do not voluntarily make payments, assume obligations or incur expenses, except at your own cost."

Help your insurance carrier help you. Knowing what to do when a claim occurs can make a significant difference in ensuring full and proper protection for not only your employee, but for your business as well.

## Longshore Changes Now in Effect

Do you have any employees who work upon the navigable waters of the United States or in adjoining areas used in loading, unloading, repairing or building a vessel? As of January 30, 2012, new regulations are in effect: The U.S. Longshore and Harbor Workers Compensation Act now excludes most workers who maintain or repair recreational boats and watercraft.

Under the new rule, laborers who repair or dismantle any recreational water vessel are now excluded from the Longshore Act as long as they are covered under a state's workers comp law. Previously, the act only excluded workers who repair recreational watercraft under 65 feet in length. The law also has an updated definition of "recreational vessel" and new standards for determining the effective date of a worker's injury.

If this rule applies to your business, talk with our service professionals today as to its possible impact upon your current workers compensation program.

### Thank you for your referral.

If you're pleased with us, spread the word! We'll be happy tp give the same great service to all of your friends and business associates