

Choosing the Right Policy for a Claim

When an accident occurs, it is not uncommon for injured workers and their employers to question whether to file under workers compensation or group medical insurance.

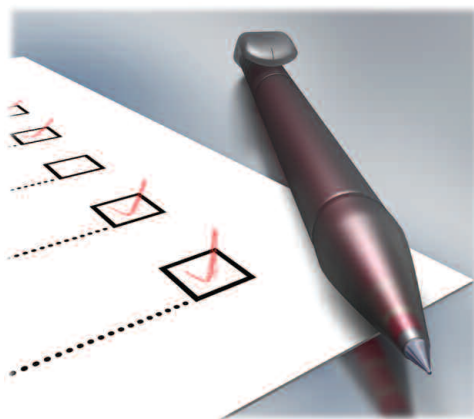
Most group health insurance policies don't cover bills resulting from work-related injuries, but filing under both policies could be problematic if the group health plan does pay. In this case, the health insurer may place a lien on settlement funds until they are reimbursed.

In cases where the injury is covered by both policies, group medical insurance usually requires the worker to pay some percentage of the bills, so employees will

be on the hook for a co-pay. Depending on the extent of the medical care needed, the co-pay could be substantial.

On the other hand, workers compensation pays 100% of reasonable and necessary medical expenses. Workers compensation also acts as a disability insurance policy, paying a percentage of the injured worker's lost wages. Most group health insurance policies will not cover lost wages or disability benefits.

If one of your employees suffers a job-related injury or illness and you have questions about which coverage to use, call our service team for help in understanding your claims procedure. ■



Fire Prevention Plan

According to the Bureau of Labor Statistics, burn injuries cause 1.1 million Americans to require medical care annually. Of those injuries, approximately 50,000 result in hospitalization. Almost 10,000 people die of burn-related infections each year.

OSHA regulations have been designed to ensure that employers make the necessary effort to keep their workers from becoming burn victims. In rule 29 CFR 1910.38, OSHA explains that employer fire prevention plans must indicate:

- Workplace fire hazards, along with prevention techniques that apply specifically to them

- Potential ignition sources and controls for them
- Fire protection systems and equipment that control these fires
- Individuals or job titles responsible for maintaining these prevention and control systems and hazards
- Maintenance procedures and plans to prevent accidental ignition of combustible materials.

OSHA offers additional information on steps employers can take to construct fire prevention plans that protect workers and comply with OSHA regulations. For more information, visit the website: www.osha.gov. ■

'Which' Doctor?



Workers often wonder if they will compromise their workers compensation benefits by seeking diagnosis or treatment from their own physician if they are injured on the job.

Laws determining which physician an injured worker is allowed to visit for treatment and the extent to which workers compensation benefits will pay for that treatment vary by state.

For example, many states allow the insurance company to provide the injured employee with a network of doctors to choose from for an initial medical evaluation. Once the nature of the injury is determined, injured workers may be required to continue treatment from a physician recommended by the insurance company. In other states, workers may be allowed to seek continued treatment from a physician of their own choosing without compromising benefits.

Make educating your employees about their workers compensation benefits a priority. If you need help providing answers to their insurance questions, we're here to help. Give us a call. ■

Making the Common Uncommon

Although, in the great scheme of things, slipping and falling seems mild, employers should know that the greatest percentage of workers compensation claims results from lower back pain and lifting injuries and that falls account for about 15% of all work-related injuries. Moreover, hundreds of workers die and thousands become disabled annually from falls on the job.

What steps can employers take to reduce this common hazard? *Business and Labor Reports* recommends the following:

- Make trip and fall hazards a major part of your regular safety inspections.
- Put up warning posters throughout your workplace as a constant reminder to workers that these hazards are pervasive.

- Review accident reports to determine the cause of the falls and try to look beyond carelessness as the reason. This limited thinking could serve to ignore an otherwise easily fixed exposure.

- Incorporate training. Encourage employees to identify hazards and take steps to inform other workers about them. Take prevention measures if possible, such as putting down mats or requiring non-slip footwear for workers in higher-risk areas.

Remember that slips and falls can cause brain trauma, not just bruises and broken wrists. Take action to reduce your company's exposure to this risk. For more information on preventing these pervasive and dangerous injuries, visit www.osha.gov. ■

OSHA Guidance for Road Workers

A letter of interpretation released in October 2009 by the Occupational Safety and Health Administration rules that high-visibility warning garments are required safety attire for highway and road construction workers.

"Highway construction workers should not suffer serious or fatal injuries simply because they could not be seen," said acting Assistant Secretary of Labor for OSHA Jordan Barab. "Requiring the use of reflective vests is essential to help prevent workers from being injured or killed."

In 2004, OSHA issued a letter of interpretation about the use of high-visibility apparel in highway construction. The letter emphasized that section 5(a)(1) of the OSHA Act requires workers in highway work zones to wear high-visibility apparel.

However, the Occupational Safety and Health Review Commission ruled that OSHA's letter indicated a more limited position: High-visibility gar-



ments are only required where the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) mandates their use.

In response, OSHA has issued a new letter stating that all highway and road construction workers must wear high-visibility apparel regardless of whether the MUTCD requires it or not. OSHA considers road and construction traffic a well recognized hazard to highway/road construction workers. For more information, visit the website: www.osha.gov. ■

Drug-Free Workplace

Is your workplace taking steps to prevent accidents and injuries by staying drug free?

According to the U.S. Department of Labor, 75% of the nation's current illegal drug users are employed, 3.1% of them say they have used illegal drugs before or during work hours, 79% of the nation's heavy alcohol users are employed, and 7.1% say they have consumed alcohol during the workday.

The DOL offers the following information for employers on its website: www.dol.gov:

Promote your drug-free workplace program. One way to do this is to dis-

tribute to all employees a copy of your drug-free workplace policy, along with a positive message about valuing health and safety, and then provide an opportunity for them to ask questions about it, perhaps through an open forum or privately.

Train supervisors. Supervisors are the individuals closest to an organization's workforce. Organizations can conduct training to ensure supervisors understand their organization's policy on alcohol and drug use; ways to deal with workers who have performance problems that may be related to substance abuse; and how to refer employees to available assistance.

Educate workers. To achieve a drug-free workplace, it is critical that an organization educate its workers about the nature of alcohol and drug use and its negative impact on workplace safety and productivity. The DOL's website offers extensive information on employee training, including ready-to-use training materials. New resources available include "Fast Facts" (an informational card for employees about their role in keeping their worksite drug and alcohol free) and a series of five "Tool Box Talks" (brief speeches intended for delivery by foremen on construction worksites). ■

Texting and Driving

A recent study by the Virginia Tech Transportation Institute found that text messaging is 23 times as dangerous as non-distracted driving. Make sure your employees know that your business cannot afford to be at fault in a deadly traffic accident due to texting while driving on business.

Employers are finding this behavior hard to eliminate, according to a recent report in the *Wall Street Journal*. The report highlights a few possibilities for employers hoping to keep their employees and others safe while operating company vehicles.

For example, employers could install "voice to text" applications on smartphones that allow texts to be created using voice recognition

software. Other possible solutions highlighted include:

Key2SafeDriving (Safe Driving Systems)

This system is available with



phones running Windows Mobile. The system takes over a phone's display when the user starts driving. The system uses an electronic "key" installed in the car that emits a Bluetooth signal disabling the

keypad while the car is running. The phone can still be used to make emergency calls.

DriveAssist (Aegis Mobility)

This software program works with GPS-enabled phones. It uses the phone's GPS system to identify when the phone is moving at driving speed and intercepts incoming calls and texts. The phone can still be used to make emergency calls.

Another good way to control texting while driving business vehicles is to run a log of driving time and text message times. You can try it for three months. If the times often overlap, you know you have a problem. A written company policy, enforced with sanctions, can go a long way in curbing the potentially deadly behavior. ■

**Thank you for
your referrals.**

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

Overexertion Leads to Claims

Just under a third of all disabling work injuries are the result of overexertion, according to the National Safety Council. Back injuries occur more frequently in the workplace than injuries to any other part of the body, and they account for more lost workdays than any source other than the common cold.

Statistics such as these indicate that employers cannot take back-injury prevention training lightly. Do the easy stuff. Encourage stretching before lifting, teach basic lifting techniques and use ergonomics in workspaces to reduce overexertion injuries.

Employers can learn more about training employees on how to avoid back injuries resulting from a number of causes, ranging from lifting to improper posture, by visiting www.webmd.com. ■
