

THE REPORT

Workers' Comp Edition

Volume 1, Issue 4



Avoid Future Liability, Report All Injuries Promptly

WHEN ONE of your employees suffers an injury at work, it's your duty to report that injury to your workers' comp carrier.

Often, employers are reluctant to report an injury right away because they don't want to have to pay more for their insurance.

However, reporting claims is mandated in each state. Although the guidelines may vary from state to state, the sooner a claim is reported the better.

Many companies try to report injuries within 24 hours.

Even in California, where employers can pay for certain minor injuries, the WCIRB has made it clear that even injuries that qualify as First Aid must be reported to the insurance carrier.

When a seemingly minor injury evolves into a very large claim, the carrier with early knowledge can transition seamlessly into

Please see 'Claims' on page 2

Examples of First Aid Treatment

- Application of antiseptics
- Treatment for first-degree burns
- Application of bandage(s) during any visit to medical personnel
- Use of elastic bandage(s) during first visit to medical personnel
- Removal of foreign bodies not embedded in an eye if only irrigation is required
- Removal of foreign bodies from wound if removed using tweezers or another simple technique
- Use of non-prescription medications
- Soaking therapy on initial visit to medical personnel or removal of bandages by soaking
- Application of hot or cold compress(es) during first visit to medical personnel
- Application of ointment to abrasions to prevent drying or cracking
- Application of heat therapy during first visit to medical personnel
- Use of whirlpool-bath therapy during first visit to medical personnel
- Negative x-ray diagnosis
- Observation of injury during visit to medical personnel



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In California, You Are Required to Report First Aid Claims

managing that claim because the information was already supplied.

Employees tend to litigate when they are unhappy with how their claim was handled, and that often relates to what is perceived as a lack of responsiveness in how the claim is handled.

By working with the medical provider directly from the very beginning your carrier can facilitate quicker medical decisions with less down time for the injured worker.

Reporting the claim immediately after an injury occurs helps to ensure that the claims process runs smoothly but it is especially important when you are suspicious about the claim.

In California, after 90 days, your insurer must accept the claim. The clock starts to tick as soon as you know about it and if you wait too long, there may be no way to fully investigate and obtain the evidence and witness statements needed in time to deny the claim, even if it is fraudulent.

The next time one of your employees reports a work-related injury, call us so that we can work together for a better claims outcome. ❖

DANGERS OF LATE REPORTING

- A delay in seeking treatment may cause a deterioration in the employee's condition.
- Your ability to investigate the claim may be hindered, as witnesses may no longer be available or key evidence may not be preserved.
- Many states have laws that prohibit denial of claims after a specified time period.
- It may affect your ability to deny a claim if the worker was under the influence of drugs or alcohol at the time of the incident.
- The opportunity to direct initial treatment to a clinic that specializes in treating workers' comp injuries and coordinates your return-to-work program may be lost.

Claims Don't Age Like Fine Wine



Report Injuries Immediately

atlas.us.com/claims

WORKPLACE SAFETY

Avoiding Slips, Trips, Falls Requires Changing Worker Mindset

SLIPS, TRIPS and falls constitute the majority of general industry accidents, cause 15% of all workplace deaths, and are second only to motor vehicles as a cause of fatalities.

Despite American employers' best efforts, slips, trips and falls result in more than 95 million lost work days per year and account for nearly 25% of all reported injury claims every year. Obviously, there is a disconnect between employer safety measures and the outcome.

A December 2014 survey of almost 1,300 safety professionals, carried out by Safety Daily Advisors, found the "big three" causes of slip, trip and fall incidents are:

- Human factors – 54%
- Wet or slippery surfaces – 25%
- Poor housekeeping – 16%

With human error causing more than half of all accidents, you have to take a multi-pronged approach to instilling in workers the importance of:

- Immediately cleaning up spills,
- Closing file drawers when done,
- Picking up loose items from the floor,
- Keeping aisles and walkways free from clutter, and
- Keeping their personal workspace clean and orderly.

But training your employees to be more mindful in areas with slip, trip and fall hazards is not as simple as telling them "don't get distracted" or to "pay attention." Changing behavior takes time and commitment, but the best solution is a behavior-based safety approach.

It will take time and effort to change employees' perception of risk and personal responsibility. But with a proactive approach that builds a culture and fosters an attitude and behavior that put safety first, workplace injuries will be reduced. ❖

WHAT YOU CAN DO

- Implement good housekeeping practices.
- Install proper lighting, traction aids and require safe footwear.
- Keep walking surfaces clean and in good repair.
- Install railings and guards.
- Display warning signs in high risk areas ('slippery when wet'-type signs).

Zen of safety

The first step you need to take is to help your employees become aware of unsafe habits and analyze their mistakes. These include:

- Walking with caution and making wide turns at corners.
- Testing footing before committing weight.
- Opening doors with caution.
- Using railings on stairs.
- Ensuring three points of contact on ladders and equipment.
- Looking before moving.
- Wearing appropriate footwear.
- Being aware of weather forecasts.
- Pushing (not pulling) carts to allow a better line of sight.
- Keeping eyes and mind on task; no multitasking.
- No texting or talking on phone while walking.
- Being alert for trip hazards.
- Recognizing dangers of walking on ice.
- Taking designated walkways, rather than shortcuts.
- Not wearing sunglasses in low-light areas.
- Reporting all potential hazards.

Repeat the message

Regular reminders help instill safety mindedness. It doesn't pay to tell your employees once. Make slips, trips and falls a constant message, repeated and highlighted at short, frequent safety meetings.



CONSTRUCTION SAFETY

Know Your Fall Protection Triggers And Correct Equipment

WORKING ON heights is one of the more dangerous activities for construction workers, and fall protection is recommended at most heights above 6 feet by Fed OSHA. Employers in states that operate their own OSHA-approved plans must abide by their state's requirements.

Cal/OSHA's trigger for personal protective equipment is 7 1/2 feet, but that's the main trigger. The agency has a number of different height triggers for fall protection.

Failure to provide fall protection equipment to workers when they are working at or above a height trigger is not only dangerous to your employee, but can also get your company cited.

Systems and Devices

Passive systems

Use guardrails at 7 1/2 feet high on open:

- Edges of floors and roofs
- Scaffolds
- Runways, ramps
- Elevated platforms

Safety nets are good for high entryways and cathedral ceiling areas of residential homes. They must be installed according to the manufacturer's instructions.

Active systems

Components of an active personal fall protection system (free-fall distance must never exceed 6 feet):

- Anchorage point must support adequate loads.
- Harness (or body belt for fall restraint or positioning) must be worn as per manufacturer instructions.
- Connector (lanyard) must be adjusted so the worker will not reach the ground below.

Types of active personal fall protection systems:

1. Personal fall restraint system

- Fall restraint equipment should be set and adjusted so there is no free fall over the edge.
- Harness or body belt may be used.
- Anchorage point must support four times the intended load.

2. Personal fall arrest system

- Use harnesses, never body belts.
- Use shock-absorbing lanyards with two locking snap hooks.
- The anchorage point must support 5,000 pounds.

Fall Protection Triggers

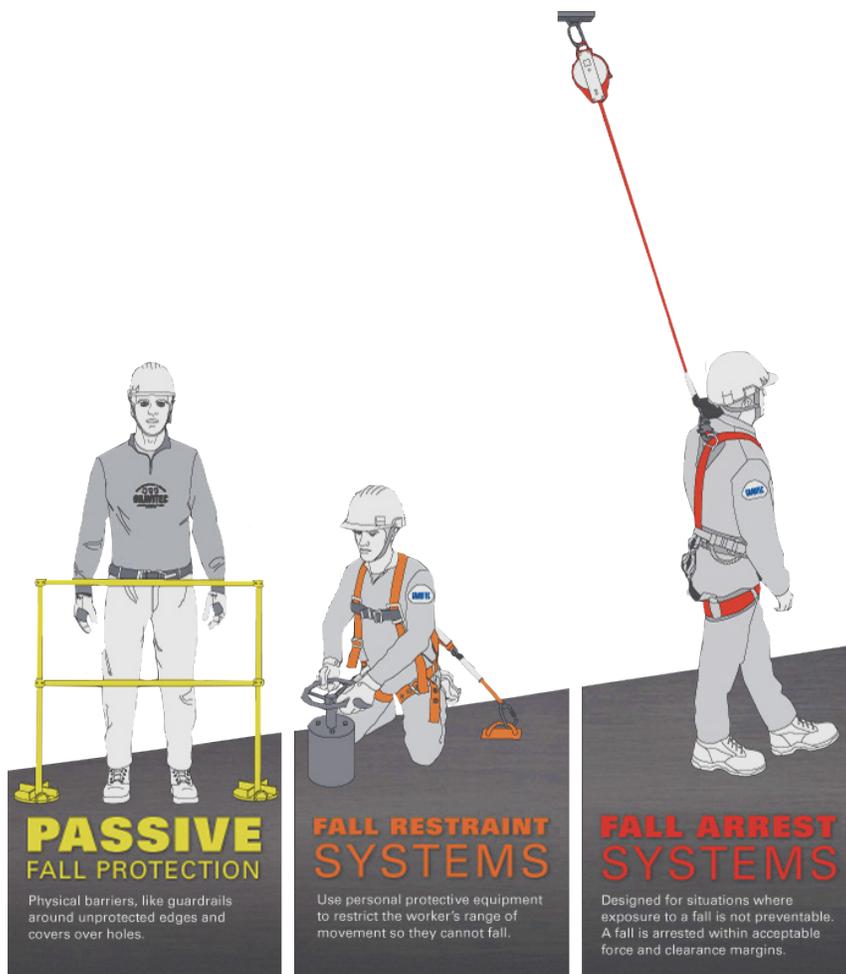
Cal/OSHA requires fall protection at a number of heights:

7 1/2 feet: Work on unprotected platform or perimeters, edges, sides, slopes, etc. of structures.

6 feet: Crossing over trenches/excavations on bridges/walkways.

4 feet: Unenclosed elevated work locations outside buildings.

30 inches: Unenclosed elevated work locations inside buildings.



PASSIVE FALL PROTECTION

Physical barriers, like guardrails around unprotected edges and covers over holes.

FALL RESTRAINT SYSTEMS

Use personal protective equipment to restrict the worker's range of movement so they cannot fall.

FALL ARREST SYSTEMS

Designed for situations where exposure to a fall is not preventable. A fall is arrested within acceptable force and clearance margins.

MANAGING YOUR RISKS

Think Like a Risk Manager to Reduce Your Insurance Costs

ALL LARGE corporations have someone in charge of risk management, if not a whole department. But hiring a risk specialist or dedicating staff to do that kind of work is usually too expensive for small and mid-sized companies.

One way that you can reduce the risk to your finances is to purchase appropriate insurance coverage. While, having insurance does nothing to prevent accidents, identifying and addressing the hazards in your workplace can help you to better manage your risks. Insurance companies like policyholders that do this and they reward them by reducing their premiums.

The key is thinking like a risk manager. How far you go depends on how much time you can spend honing your skills. The more you learn, the more broad your perspective of the various risks your organization faces will become.

Start by organizing your risks into these four categories:

Human Resources

Employees are your biggest asset, but they can also be a liability. Businesses are sued by their employees and job applicants for a number of alleged transgressions: discrimination, retaliation and hostile work environments. Some people are serial lawsuit filers.

Screen job applicants and document everything, including candidate searches, interviews, reviews, complaints and behavior or performance issues, especially if you have to terminate someone. Promote a culture of safety with regular training, and strive to keep workers happy, motivated and feeling like they are vested in your organization.

Property and Assets

Fire and theft devastate thousands of businesses annually. Protect your property with fire and burglar alarms, and take precautions against severe weather. Don't store flammable items near sources that can start fires.

Keep your company's data safe (especially personally identifiable information on your staff and customers, and credit card data).

Erect firewalls, install virus and malware protection and store vital data on- and offsite. Develop an emergency plan in case your data is exposed or your network fails.

Income

This includes any risks that affect your company's finances and income stream.

Keep thorough records and meticulously quantify your costs of goods sold, gross and net income.

Monitor your accounting records and ensure that only a few hand-picked staff members have access to your accounts and check books.

Have a pre-planned connection with back up suppliers in case one of your current suppliers is suddenly unable to meet your needs.

Have a contingency plan in place to keep your business operating if disruptions occur due to equipment failure, a breakdown in transportation networks or natural disasters.

Liability

Every year there seems to be a new lawsuit threat that companies never knew existed.

Do all you can to reduce the potential of liabilities to third parties, including vendors, customers and the public at large.

Identify any hazards on your premises to keep your workplace safe. Train your employees to drive carefully both on and off site to avoid endangering customers or the general public.

Engage in proactive safety training and a program to identify potential hazards to your staff.

Having a safe work environment improves employee morale and reduces the risk of injuries which can lead to a reduction in your workers compensation premium.

While there is more that you can do, these tips are a great start towards thinking like a risk manager and reducing the chances of your company having to pay more than it should, or being sued.

Always speak to your insurance agent who can help you identify the biggest risks that your organization faces and what you can do to reduce those risks to a comfortable level.

While insurance is there to pay for many of these issues, to keep your rates as low as possible and prevent potential lawsuits, put on your risk management cap and get to work! ❖

