

WORKERS' COMPENSATION

"It Can Wait"

No, it can't! How many times do you wonder if a seemingly small accident or injury should be reported? Delaying the trip to the doctor or having employees wait a week before telling you about their strain or "small cut" can be costly! Often small and minor issues turn major when employees aggravate the original injury by not taking proper care. Also, claims can be denied if employees ignore safety procedures or, for example, go to their personal doctor for something job related. Additionally, employers can be fined by the Insurance Commission for not reporting or late reporting. Remind your employees often to report all injuries and near misses! Employers can be held accountable for what they *should* have known!

!WARNING!

Sometimes OSHA will warn you that there's a safety problem. If that happens, correct the problem promptly. If you don't, OSHA can cite your company for a "willful" citation. Case in point: A company was inspected by OSHA and warned about wearing safety harnesses. The supervisor spoke to the offending employee and even addressed the issue of safety harnesses at the next morning's safety toolbox meeting. When OSHA returned later the next day the employee who had been warned had on a safety harness but did not have it connected to anything. The company received a citation for a "willful" violation to the tune of a year's salary for one of their employees. The supervisor assumed their defense of a warning and a toolbox safety talk would be enough to defend the company.

Do you think he was right?

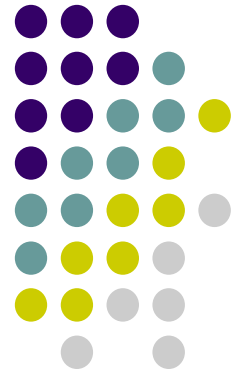
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WORK AND HOME STATS

In the year 2003, in the US:

- 4,500 workers died from unintentional injuries at work.
- 33,100 people died from injuries that occurred at home.
- About 3.4 million disabling injuries occurred on the job.
- One person out of every 37 was disabled one full day or more by injuries received in the home.
- The back, leg, fingers and knees were the body parts most frequently injured on the job.
- Falls, poisoning, choking, drowning and fires were the leading cause of accidental deaths in the home/community.
- The most costly workers' comp claims were for motor vehicle accidents.

SAFETY COUNTS AT HOME
AND ON THE JOB!



! WARNING ! Continued from Page 1...

The OSHA Review Commission upheld the citation as “willful” and the company had to pay the hefty fine. The judge said the company was clearly on notice of the violation and the next day failed to closely supervise a worker who was a known violator of safety procedures.

This case shows how workers are tempted by half-measures, such as putting on safety gear but not attaching it. That’s why it is crucial to follow up warnings and training with inspections and discipline.

Cite: Sec. of Labor vs. Zichelle, No. 04-1149, OSHRC.



Some researchers have suggested that the earliest roots of workers' compensation can be traced back to the code of Caribbean pirates: those who were injured plying their dangerous trade would be compensated with shares of booty taken by their able-bodied fellow buccaneers. Colorful as that conjecture may be, workers' compensation requirements in the United States began early in the 20th century, back in 1911. Before then, workers who'd been injured or made ill on the job had to take legal action against their employers, resulting in a system that simultaneously made it difficult for workers to obtain compensation for such injuries and yet exposed employers to potentially devastating financial penalties under the tort system. Beginning in 1911, an historic compromise solution was devised by the various states. They enacted a "no fault" system intended to make sure workers received fair and prompt medical treatment and financial compensation for workplace injuries and illness. This compromise system also established limits on the obligations of employers for these workplace exposures, so that the costs could be made more predictable and affordable.

SUB-CONTRACTOR ISSUES

What should “COI” mean to you? MONEY!

When dealing with sub-contractors it is imperative that you require a certificate of insurance (COI). If a sub-contractor does not have their own workers' compensation insurance then you may be required to provide it. This is money out of your pocket and increased exposure to risk. If you have questions regarding subcontractors and workers' compensation please call Tara Cason in our office for more information

TRUE OR FALSE

_____ A sub-contractor's workers' compensation should cover all expenses for an injury to their employee on my company's property.

_____ All sub-contractor's have workers' compensation.

_____ If a sub-contractor's employee is injured on my work site and the sub-contractor does not have worker's comp insurance, it is not my problem because he/she doesn't work for me.

REPORTABLE and RECORDABLE?

Are they the same?

No. Some injuries may be so small that they are not reportable to the workers' comp insurance company. However, OSHA requires even the smallest of injuries to be recorded on the OSHA log. This is why it is important to call Propel HR when you have even the slightest injury. Even if the person says “I'm fine” there are precautions we take to ensure the employee is truly okay and we, as the employer, are protected. For example, if an employee refuses medical care we have them sign a waiver stating he/she is voluntarily doing this. When in doubt, call. We are here to help you make wise decision in your risk management efforts.

If you have any questions concerning the information in this newsletter, please call **Propel HR** at (864) 271-7611 or (800) 446-6567.