



TRICOR Safety News

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Safety Consulting

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OSHA 300A Posting Dates & Information

Beginning Feb. 1 employers must post the 300A summary of work-related injuries and illnesses that occurred the previous year. Employers are only required to post the Summary (OSHA 300A) from Feb. 1 to April 30. The summary must include:

- Total numbers of job related injuries and illnesses that occurred in 2010 and were logged on OSHA 300 forms.
- Employment information about the annual number of employees and total hours worked during the calendar year.
- If no recordable injuries or illnesses occurred than you must post the form with zeros in the total line.

Form must be displayed in a common area where all notices are usually posted.

A copy must be made available to do those employees who do not have an established location.

Copies of the OSHA Forms 300, 300A and 301 are available at <http://www.osha.gov/recordkeeping/RKforms.html>

Certain employers are not required to keep OSHA records, to find out go to <http://www.osha.gov/recordkeeping/ppt1/RK1exempttable.html>

All employers, including those partially exempt must report an incident that results in death or hospitalization of 3 or more employees.

Please contact any TRICOR safety team member with any questions!!

Helpful Reminders

- Must save OSHA 300 logs, privacy case list, annual summary and 301 reports for 5 years 1904.33(a)
- Must enter each recordable injury/illness on the OSHA 300 log within 7 calendar days 1904.29(b)(3)
- Report to OSHA within 8 hours: a work related fatality or 3 or more in-patient hospitalization of employees from a work related incident 1904.39 (a)

OSHA Web page offers information to protect workers during winter storm response and recovery operations

OSHA has created a [Winter Storms Web page](#) to provide information on protecting workers from hazards they may face during winter storm response and recovery operations. The Web page provides guidance on how employers and workers involved in cleanup and recovery operations can recognize snow storm-related hazards and the necessary steps that employers must take to keep workers safe while working in these conditions. The page includes guidance for workers clearing heavy snow in front of workplaces and from rooftops, workers encountering downed power lines or traveling on icy roads, and utility workers restoring power after winter storms. The new Winter Storms Web page includes links to guidance from OSHA, the Federal Emergency Management Agency, the American Red Cross, the National Weather Service, the National Oceanic and Atmospheric Administration, the Centers for Disease Control and Prevention, the National Safety Council and other agencies and organizations.

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Photo: FEMA/Michael Riegler

Calendar day counting system easier to record days away, restricted work activity for part-time workers

In a Letter of Interpretation dated March 30, 2009, OSHA clarified how employers should count days away or restricted work activity for part-time workers. Specifically, an employer presented OSHA with the following scenario:

An employee is scheduled to work from 8 AM to 5 PM on Saturday and from 8 AM to 5 PM on Sunday. The employee is considered "part time" and works only 16 hours per week on this regular weekend schedule. The employee reports an injury at 2 PM on Sunday, and is placed on restricted duty for 30 days by a physician.

In response, OSHA told the employer to use calendar days for the count as stated in sections 1904.7(b)(3)(iv) and 1904.7(b)(4)(xi) of OSHA's recordkeeping regulation and start to the count on the day after the injury. The employer must enter the number of calendar days recommended by the physician (30 days of restricted work activity).

Furthermore, OSHA quoted page 5972 of the January 19, 2001 preamble to the final rule revising OSHA's recordkeeping regulation. It stated the following:

"Changing to a calendar day counting system will also make it easier to count days away or restricted for part-time workers, because the difficulties of counting scheduled time off for part-time workers will be eliminated. This will, in turn, mean that the data for part-time workers will be comparable to that for full-time workers, i.e., days away will be comparable for both kinds of workers, because scheduled time will not bias the counting method. Calendar day counts will also be a better measure of severity, because they will be based on the length of disability instead of being dependent on the individual employee's work schedule. This policy will thus create more complete and consistent data and help to realize one of the major goals of this rulemaking: to improve the quality of the injury and illness data."

OSHA clarifies work-relatedness for injury in company parking lot

In a Letter of Interpretation dated November 15, 2010, OSHA clarified its view of work-relatedness for an injury that occurred in a company parking lot. In response to an employer who questioned whether an employee's ankle break — which occurred after the employee was returning to work from his lunch break with two co-workers and his heel caught on the running board of the co-worker's truck — was work-related or not.

According to OSHA, work-related exposures include most of the employees' activities on the employers' premises, as well as situations off premises where employees are engaged in job tasks or are there as a condition of employment. For recordkeeping purposes, company parking lots are part of the employer's premises, and therefore part of the establishment.

Under Section 1904.5(b)(2)(v), an injury or illness is not work-related if it is solely the result of an employee doing personal tasks (unrelated to their employment) at the establishment outside of the employee's assigned working hours. In order for this exception to apply, the case must meet both of the stated conditions [i.e., the injury or illness must (1) be solely the result of the employee doing personal tasks (unrelated to their employment), and (2) occur outside of the employee's assigned working hours].

OSHA pointed out that the facts in this employer's scenario do not meet the second criterion of this exemption. Lunch breaks are considered assigned working hours for injury and illness recordkeeping purposes. Therefore, the case is considered work-related.

In addition, under section 1904.7(b)(7), a fracture of a bone is considered a significant injury or illness when diagnosed by a physician or other licensed health care professional. Therefore, the employer must enter the case on the OSHA 300 Form or equivalent as appropriate.

The high costs of falls in construction for employers

A new OSHA PowerPoint presentation shows the heavy financial cost resulting from falls in construction. OSHA analyzed workers' compensation data for injuries resulting from falls from elevations suffered by roofers and carpenters. The data, which covers 2005-2007, comes from 38 states, which comprises approximately 1/3 of total workers' compensation benefits.

OSHA's analysis of fall injuries for roofers and carpenters found that: falls from elevations by roofers cost an average of approximately \$106,000 each; falls from elevations by carpenters cost an average of over \$97,000 each. To find out more information, view the PowerPoint presentation of [Workers' Compensation Costs of Falls in Construction](#)* posted on OSHA's [Residential Fall Protection Web page](#).

The Globally Harmonized System (GHS) for Hazard Classification and Labelling

Development of a Worldwide System for Hazard Communication

Global Chemical Labeling System Close to a Reality in U.S.

Adoption of a global chemical labeling system in the United States is nearly finalized. For many years, attempts were made to coordinate chemical labeling requirements worldwide to develop a global system for chemical labeling. In 2003, the United Nations adopted the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). Since then, many countries, as well as the European Union, have adopted the GHS.

Currently, the European Union is on an implementation schedule of the GHS through 2015. Given that U.S. manufacturers, employers and employees would be at a disadvantage if the U.S. didn't adopt the GHS, OSHA held public hearings regarding the GHS in late 2009 and early 2010. The final review was submitted in October 2011. The 90-day review process is nearly complete and there should be a final publication sometime in early 2012.

The main goal of the GHS is to increase worker safety. The system provides consistent information and definitions of hazardous chemicals; addresses stakeholder concerns regarding the need for a standardized format of material safety data sheets; and increases understanding by using standardized pictograms and harmonized hazard statements. If adopted, the consistency and understanding created by the GHS will help reduce worker confusion and help improve worker safety and health. It should also open up international trade in chemicals.

New tire charts will help workers safely service single-piece and multi-piece rim wheels

OSHA has revised its tire servicing materials to address current hazards in the industry and help workers safely perform maintenance on large vehicle tires. The materials address OSHA's [Materials Handling and Storage standard](#) that protects workers who service single-piece and multi-piece rim wheels. Following recent talks with representatives from tire, rubber, and wheel manufacturers, OSHA determined a need for new materials with updates from sources such as the Tire Industry Association. The updated information, available in a portable manual or as three poster-sized charts, is easier to access and use. OSHA's revised "Multi-piece Rim Matching Chart" provides an updated list of current and obsolete components and the old "Demounting and Mounting Procedures for Truck/Bus Tires" chart is now expanded into two charts that deal individually with tubeless and tube-type tires. The [revised materials](#) can be downloaded from OSHA's [Publications page](#).



OSHA Training Courses, Materials, and Resources

New Web page provides safety and health training resources for employers and workers

OSHA's new [Safety and Health Training Resources](#) page was developed to help users locate occupational safety and health training materials. The page provides links to materials developed by [Susan Harwood Training Grant](#) awardees, trainer materials, videos available through OSHA's [Resource Center Loan Program](#), OSHA-developed materials and links to training resources by other organizations. All materials are free and many are available in several languages.

OSHA offers a wide range of training resources to help broaden worker and employer knowledge on how to recognize, avoid and prevent safety and health hazards in their workplaces.

Blips on the 2012 Work Comp Radar

Source: Safety XChange
Preston Diamond

In 2010, Steve Klingel, NCCI President & CEO, described the state of the workers' compensation industry as "precarious," while adding that the industry faces "a number of difficulties that will confront market stakeholders in the weeks and months to come."

Here are a few areas that should be given attention as we head into the New Year.

The Aging Workforce: Their coming was foretold in 2008, when the first Baby Boomer hit 62 and filed for Social Security. The Institute on Aging at the University of North Carolina has released data showing that 20% of workers will be 55 or older by 2020.

Although older workers tend to get injured less on the job, when they do get hurt we find larger claims and more days off the job. According to a report by The National Council on Compensation Insurance (NCCI) a determining factor in the high claims cost can be traced back to older workers having higher salaries so their compensation for loss-work time is higher.

According to the Bureau of Labor Statistics (BLS), older workers take an average of 15 days off per injury compared to one day off for younger workers. Plus, they require more extensive medical treatment than, say, a teenage worker. Factor in the statistics showing older workers are less likely to return to work after an injury (in some cases over 80% less likely, compared to 12% for a worker in his 20s), and you see a disturbing trend.

The best we can do when it comes to getting an aging workforce back on the floor is to make a concentrated effort to customize the return-to-work program based on the severity of the injury, age, existing medical conditions, etc. In other words, ease workers back into the fold and make the workplace conducive to them, even it's simply making sure there is enough bright light in the work area (the eyes always seem to be the first thing to go).

Off-Site Workers: In an age of technology, where more and more workers are doing their jobs from their homes, we are seeing a whole new can of Work Comp worms open up.

According to World at Work's "2011 Survey on Workplace Flexibility," in 2010, 26.2 million U.S. workers conducted business outside the office. Companies see the advantages of home-based work (i.e. a decrease in absenteeism, reduced stress), but overlook an untapped area of risk. Two recent cases illustrate what may be a disturbing trend. A New Jersey court granted workers' compensation survivor benefits to the family of a woman who dies of a blood clot while sitting at her computer doing work. That same month in Oregon, a court ruled in favor of a claim brought by a woman who broke her wrist when she tripped over her dog while carrying supplies from her home to her car.

So how do employers monitor "at-home" risk? Perhaps it is as simple as having someone visit the home and make sure everything is ergonomically in order and void of any clutter or potential hazards. It's also been suggested that the employer photograph the workspace. A more extreme maneuver would be to invest funds in the workspace and set it up for the worker. This could be a one-time cost versus a much higher cost down the road should the worker somehow suddenly fall out of their chair and break a hip.

As for making sure any injury happens on "work time," experts suggest having the worker log in on their computer so time at work and time off can be tracked. No employer wants to pay a claim because one of their workers hurt his back while lifting a turkey out of the oven on Thanksgiving.

Rising Medical Costs and Prescription Drugs: Medical costs continue to soar and it can be attributed to several factors which are, in some ways, related. In many states, employers let the employees choose what doctor they want to see when injured, and employees are most likely to choose their family doctor. The problem here is the family physician sees the worker as their client. So if the employee asks for a week off, the doctor will grant it. Why not? Most family physicians have no experience with occupational medicine or the importance of getting employees back to work.

Another area of growing concern is the type of drugs being prescribed to injured workers and their long-term effects. According to a recent article in *USA TODAY*, the biggest drug problem in America isn't the heroin being mainlined in a back alley or the cocaine being ingested in some run-down crack house. In actuality, it's the prescription painkillers sitting in a medicine cabinet in Middle America, to the point that they kill 18,000 people per year. And don't think this hasn't raised an eyebrow to workers' compensation payers, who are on the lookout to ensure that addictive drugs that are over-prescribed by doctors aren't affecting workers' comp cases. Evidence has shown that some doctors are prescribing pain medication usually targeted for cancer patients for simple back strains.

According to Gregory L. Johnson, a health care management consultant, "There is an increase in medical costs as a percentage of all claims; there is an increase in pharma as a percentage of all medical costs. And there is an increase in opioids as a percentage of pharma. So it's driving a lot of overall loss results in workers' comp."

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Another industry expert contends that employers may find themselves not only paying for the medication but also funding detox programs, drug overdose claims and treatment for long-term side effects. It's imperative that employers, doctors, claimants and insurance carriers all get on the same page to make sure such abuse does not occur.

The Need for Wellness Plans: Healthier employees lead to lower premiums. If companies can help their workers improve their health without cutting benefits or shifting more premium costs to employees, why aren't smaller companies using this proven method to lower their health care costs?



Randy Boss, a Risk Architect with Ottawa Kent Insurance in Grand Rapids, MI, helps companies implement successful wellness programs. And he says he can understand how employers feel. "They're frustrated because most likely they have tried things that didn't work," says Boss. "Businesses tend to think short-term and not long-term, and expect to see solid and immediate savings on their healthcare costs."

Yet, the benefits of having healthy workers transcend reduced health care costs, including Workers' Compensation and lower absenteeism. Healthy workers are less prone to injury and when injured, they recover quicker than less healthy workers. If workers change and modify their lifestyle and reduce their health risks, medical costs decline.

A University of Michigan study of a Midwest utility company's workplace wellness program found that over nine years, the utility company spent \$7.3 million for the program and reaped \$12.1 million in savings. Medical and pharmacy costs, time off and Worker's Compensation factored into the savings. The study, which took into account a number of costs, including indirect costs of implementing wellness programs, such as recruitment and the cost of changing menus, showed that wellness programs work long-term even though employees aged during the course of the study.

Companies need to make a commitment to helping their employees stay in better shape. Says Randy Boss, "If companies don't have the ability to fire all their old workers and hire young workers, then they need to concentrate on what they can control...the risk factors. That's where a health & wellness program comes in. But to be successful you need high participation... preferably over 85%. We've been fortunate to have a 94% record without having to pay employees to participate. We do this by motivating and educating employees so they take the action steps to get the results."

An effective wellness plan only works if implemented from the top down. "We see participation rates up to 70%-80% with management support and incentives, but only 10%-20% without it," says Susan Butterworth, director of Oregon Health Sciences University Health Management Services.

New NCCI Rulings: NCCI has recently made significant changes to the split point that will ultimately affect the experience mod.

The split point will be increased from \$5,000 to \$15,000 over a 3-year transition period. After the transition, the split point will be indexed for claim inflation in subsequent updates. Filing for these changes will likely be made in 3rd quarter this year. This change will take effect in 2013, based on each state's usual rate filing date. For some, it will be 1/1/13, for others later in the year.

NCCI's data indicates that close to 80% of experience mods will change plus or minus five points. The modification of the split point will most substantially impact the very best and very worst mods. Each company will be affected differently based on the costs of their employee injuries.

A big positive for all businesses is that every company's lowest possible mod will drop. This means that employers will have greater control over what they pay for workers' compensation than they have before. For companies that take command of their workers' comp program, the opportunities have never been better to reduce their costs, even though rates are increasing in many states.

Conclusion

In summary, we may just be skimming the surface of what's in store for our industry in 2012. But unless the Mayan calendar had it right and everything comes to a screeching halt on December 21, 2012, you can pretty much bet 2013 will be even more exciting.