

## **Before an injury occurs**

Having adequate coverage for workers' compensation and an insurer you can work with is an important first step. However, what happens before a work injury takes place is under the employer's control.

California law requires employers to provide a safe and healthy work environment. You can lower the chance of injury through a proactive employee safety and health program, called the *Injury and Illness Prevention Program*. All too often this program is evaluated only after a serious injury has happened.

If you are a new employer, you may be starting from scratch. If you are rethinking your current workers' compensation and workplace safety and health program, it may mean breaking from tradition and finding a new way of looking at things. Even a well-managed safety program needs regular evaluating and updating.

### **Develop a safety culture**

Think about it for a minute - if your employees were asked to rate the company's safety and health program, what would they give it on a scale of 1-10?

A strong message needs to come from the top - the boss and managers - that safety is important, that it's part of doing the job, and that the company is serious about its policies. The employer is responsible for a safe work environment and has many tools to help bring this about.

You can spend 10 minutes a day in safety talks, do weekly walkthroughs to look at workplace conditions, hold monthly safety committee meetings, interview injured workers for their ideas on how to make the job safer. These steps go a long way toward preventing injuries and illnesses - and costs associated with them - from happening in the first place.

Cal/OSHA requires every employer to develop and maintain an effective *Injury and Illness Prevention Program*. This can be your blueprint to control workers' compensation costs while running a productive and safe business.

The Cal/OSHA Consultation Service offers free assistance to employers working to comply with safety and health regulations, and to help lower your workplace injury and illness rates. They do not give citations or fines.

### **Look out for potential hazards at your worksite**

Identify the risks that can contribute to injuries in your workplace.

Hazards come in many sizes and shapes. Some examples are:

- Ergonomic - poor job design increasing the risk of musculoskeletal diseases.
- Toxic substances - solvents, metals, dusts.
- Physical - temperature, noise, falls, tools, motor vehicle accidents.
- Biological - bloodborne pathogens, tuberculosis.
- Psychological - stress, workplace violence.

Your company's *Injury and Illness Prevention Program* should prioritize the specific hazards in your workplace and figure out how they will be controlled.

### **Go over past injuries**

Before you write next year's premium check, take a look at the company's safety record. Are injuries going up or down? What types of injuries are the most frequent? Are the employees who are doing one particular job, or working a lot of overtime, the same ones who are getting injured?

Often you will see patterns to the problems. Sources of injury data are your employees and supervisors, insurance carrier, injury or first aid logs and Cal/OSHA Form 200 for recording reportable injuries and medical records.

Your insurer should provide you with a breakdown, called a loss run, of your past injuries and costs. If you are a larger company, ask to have the loss run broken down by job classification and compared with the

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previous year's experience. If your company is experience rated, your experience modification number will tell you how well you are doing compared to similar companies.

You should also examine first aid cases and near misses - the fall or burn that almost happened. These can show you where safety training or hazard control needs reinforcing.

## **Involve your employees**

Where can you get the most practical suggestions for improving tools and work layout or avoiding dangerous work habits? From your employees, the people doing the work. Employees can help do safety inspections, participate on safety committees and contribute good ideas for doing the job safer and better. Employees who carry out safety policies or insist upon safe and healthful working conditions are protected by law from discrimination, retaliation or other reprisal.

## **Review employee communications and safety training**

Safety starts with management sending a strong message of accountability and support. A strong message that's not followed up with action gives employees the impression that safety isn't important to you.

Effective workplace safety and workers' compensation programs start with good employee communications. Employers around California say that communication problems are a top reason for disputes following a workers' compensation claim - lack of effective communication between the employee, doctor, claims adjuster and employer can cause delays and frustrations that boil over into litigation.

## **Train supervisors and managers**

Supervisors, foremen and team leaders need training to recognize and control hazards, teach and monitor their staff in safety procedures and work habits. Invest in your supervisors and make sure they know that safety is a priority for your company.

Areas to cover in supervisor polices and training include:

- How the company's safety program works and their responsibility in it.
- What to do when an injury occurs, after-hour policies – remember the third shift – working off-site, emergencies and assigned responsibilities.
- How to arrange medical care for injured employees.
- How to report injuries quickly – many carriers have a toll-free phone number for immediate reporting of injuries. You or your representative must give the injured employee an Employee Claim Form (DWC Form 1, see Resources) within one working day of your knowing an injury occurred. The employee fills out the top part, the employer fills out the rest and sends the form to the insurance company – the employee gets a copy of the completed form.
- How to respond to an injured employee's questions and concerns after an injury.
- How to investigate the accident promptly and correct any safety problems.
- How to file a supervisor's report of the injury – recoding details of the event and circumstances of the injury – and send it to the insurance carrier.
- How to keep records of the accident, medical and disability reports.

## **Assess special training needs**

Up to 30 percent of work injuries take place among employees who have been on the job *for less than a year*. Retraining in the first year of employment pays off in fewer injuries.

If you hire young workers age 18 and under, they may need more safety instruction and supervision than the experienced staff. California labor law also restricts the hours and type of work young workers can perform.

By law, worksite safety and health training must be conducted in a form readily understood by all employees – this means that if you have non-English speaking employees, the written and verbal instructions must be translated. Ask your insurer for safety and workers' compensation materials in other languages. Videos and hands on training can help employees with limited English and low reading skills to learn necessary safety information.

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Some job categories have specialized training requirements. For example, workers in agriculture, construction, chemical handling, hospital and medical care are covered by Cal/OSHA training requirements. Check with Cal/OSHA to find out which apply to your kind of work.

An ongoing safety committee of supervisors and workers can help you review, prioritize and follow up on all aspects of employee safety training.

## **Posting notices, giving medical care instructions**

Employers must post a notice - in a conspicuous place - giving employees information on the company's workers' compensation coverage and where to get medical care for work injuries. Failure to post this notice is a misdemeanor that can result in a heavy civil penalty - up to \$7,000 per violation. Contact your insurer to get the posting notice and required information.

At the time of hire and again when an injury occurs, the employer must give basic information to employees about workers' compensation coverage and benefits. Most carriers have an injured worker brochure that you can use for this purpose. It is also available from the state Division of Workers' Compensation.

The brochure covers where to go for medical care, how to report an injury, what will happen after the injury, and employee rights and benefits after an injury. It must be available in English, and in Spanish if you have Spanish-speaking workers.

Also at the time of hire, employees must be told of their right to pre-designate their own personal physician who would provide treatment if an injury occurs on the job. The employer may give employees a form for pre-designating medical care, or the employee may write a note that should be kept in the personnel file (see chapter 3).

## **Make sure injuries are reported**

Some employees are afraid to report an injury to their employer. This may be especially true for conditions such as carpal tunnel syndrome, tendonitis, and low back pain, in which symptoms develop slowly over a long period of time. Employees who are working in pain, trying to hide their symptoms, suffer reduced productivity and morale - and may end up with more serious and costly injuries.

Don't make it difficult for employees to report injuries to you. A potential injury caught early may avoid a workers' compensation claim altogether. State Labor Code 132a prohibits discrimination against an employee who is hurt on the job or files a workers' compensation claim.

## **Getting medical care for work-related injuries / illness**

Information on where to get emergency care must be posted in your workplace. In any emergency case, take the employee to the nearest emergency room or call 911.

Medical care is one of the main benefits of workers' compensation - out of every dollar spent on workers' compensation benefits, about 40 percent goes to medical care.

How is your employee treated on the first medical visit? This may influence the whole course of treatment and recovery. Although the insurer or third party administrator frequently arranges for medical care, you can provide input on the quality of treatment you want your employees to receive.

Some employers and managed care plans survey their injured workers after an injury to measure satisfaction with the medical care provided. This way they get valuable feedback from employees while showing concern for the quality of medical care.

Your insurer's loss control department, your insurance broker, your trade association and the Cal/OSHA Consultation Service are all good sources of information and help. Take advantage of any training classes or materials offered to employers to improve your workplace health and safety program. Invest in prevention now for long term payoff in workers' compensation savings.