

### Workplace Injuries

# Cost Containment Biggest Workers' Comp Concern

**C**OST CONTAINMENT will be the chief workers' comp insurance concern for U.S. employers over the next 12 months, according to a recent survey.

Zywave, an insurance software company, found that among the 3,500 companies polled, 59% were "very or somewhat concerned" about cost containment this year.

And while premiums have been dropping, if employers slide on safety, prices can rebound quickly. If you have not done so, you should, establishing a solid safety program and help injured employees return to work.

### The survey results included the following:

- The most effective workers' comp cost control method was a safety-minded culture (65%).
- Other popular cost-control measures were, in order of popularity, on-site accident evaluations, loss-prevention evaluations, zero-accident goals, having a dedicated claims manager, safety committee efforts, and using a preferred occupational medicine facility.
- Also, only 63% of the employers surveyed said they had a written safety manual, and less than half of them (48%) said that it had been reviewed in the past year.



## STRATEGIES

**Establish a safety program** – Develop safety policies and rules. Provide employees with the training, proper tools and protective equipment to do their job safely. Form a committee with representatives from each department, who can provide specialized insight.

**Enforce the rules** – If you don't enforce the rules, they won't work. Conduct random workplace safety audits, and hold safety meetings, toolbox talks and annual refresher training.

**Ensure prompt medical care** – As part of your overall safety plan, you should prearrange which medical facilities employees are sent to in the event of a workplace injury. Be prepared to provide transportation for non-emergency cases. Call 911 or your local ambulance service in case of emergency.

**Report injuries on time** – Report workplace injuries to your insurance carrier within 24 hours of the incident. One of the keys to good claims management is early treatment and claims handling.

**Focus on return to work** – To keep an injured worker in the game and eager to get back to work as soon as possible, provide a return-to-work program with tasks modified to avoid strain on the injury.

It could include reduced hours, and a doctor would have to clear the worker for light duty. And once they are cleared to fully return to work, you may have to keep them on modified work for a period of time. It's worth the effort.

**Investigate injuries and close calls** – If an accident occurs in your workplace, or if one was narrowly averted, investigate the incident thoroughly to find out exactly what happened or almost happened. Talk to witnesses, bring out your safety manual and figure out if someone wasn't following protocol or whether there is an oversight in your safety plan.

**Recruit with care** – Unfortunately, some people are serial workers' comp claims filers, and some have pasts that could be indicative of future behavior. Screen your applicants carefully by using detailed employment applications, making reference checks, requiring pre-employment drug screening, asking for their motor vehicle driving history and conducting background checks. ❖

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Best Practices

# Filing Late and Other Ways to Have a Claim Rejected

**O**NE MISTAKE you want to avoid if you incur property damage to your business is to wait too long before filing the claim.

The owners of Dallas Plaza Hotel in 2016 learned this the hard way when a U.S. Circuit Court of Appeals held that the business had waited too long to file a claim with its insurer after suffering hail damage in July 2009.

The court ruled that because the hotel had waited more than 19 months to file the claim, it was impossible for the insurer, American Insurance Co., to ascertain exactly when the damage had occurred.

The hotel's property policy required that the insured make "prompt notice" of any claims.

American Insurance rejected the claim when it received it in October 2011, saying that there had been so many hailstorms in the area before and after July 2009 that it could not determine what caused the damage or when the damage occurred and, specifically, whether it had occurred within the policy period, which expired in September 2009.

This is a common problem for businesses and the lesson from this case is that you should inform the insurer as soon as possible after incurring damage that may be covered by your insurance policy.

The following are other sure-fire ways to risk having your claim denied or disputed by your insurance company:

## Not reading your policy

Understand exactly what your policy covers. Typically, commercial property policies will not cover flooding or

earthquake damage. That kind of coverage will often require a separate policy or rider.

## Not being prepared

If your business has suffered damage, you'll be better off if you know what to do in advance. Advance steps you can take include:

- Creating and put in place an emergency action plan.
- Reviewing your policy to make sure you have adequate coverage.
- Knowing where your insurance policy is kept.
- Keeping an electronic or physical copy offsite.
- Having your insurer's claims telephone number and e-mail address in the contacts on your smartphone, so you can call them immediately if you have to file a claim.

## Not keeping damaged goods

If your business clean-up includes removal of items such as water-damaged merchandise, flooring or insulation, keep it all, even if it has to pile up in the parking lot. The damaged materials are all evidence of the impact of the disaster on your business.

Take photos and itemize everything that was damaged. You may have to make repairs immediately to prevent further damage, or move machinery to a new location. If so, photograph the original scene to document how it was before you started your clean-up. Also take photos of any repairs you make. ❖



**Workplace Safety**

# How to Keep Your Safety Meetings Engaging, Fun

**A**RE YOUR safety meetings a drag for your workers? Are they shifting in their seats as they sit through yet another presentation on slip and fall hazards?

Safety meetings are a key part of a safety awareness program and are one of the best methods to motivate workers to take safety out of the classroom and into the field. But they don't have to be boring. You need to keep your employees' attention and make sure they retain what you teach them, because their lives could depend on it.

It's not easy to keep meetings motivating and interesting to your workers.

## Ideas to keep staff engaged

**Get a manager involved** – Have an experienced manager run your safety meetings along with a safety engineer or expert. Safety engineers may get too wonkish for your workers, who can then lose interest. To be most effective, have a manager conduct the meeting with the safety expert, who can answer the technical questions.

**Build an agenda** – Circulate it before the meeting. Work with a small group. Focus on the specifics. Define what success will mean. Create an expectation of value and participation. The most successful safety meetings are well-planned, with management involvement – and documented.

**Don't look backward** – Don't make the meeting all about reliving one bad accident that happened in the workplace. Instead, review the accident or close call and what led up to it in the first place, so you can discuss ways to make sure the incident is not repeated in the future.

**Vary your techniques** – Individuals learn differently. If you must use PowerPoint slides, use them sparingly with one idea or image per slide. Videos can be helpful in combination with discussions and games. Involving people helps them retain the message.

**Tell stories and use real-life examples** – Have a story or an example to illustrate every point. The best safety meeting is just hanging out and talking about a subject and telling stories. Talking about the individuals involved in the story helps personalize it.

**Use games and competitions** – But be sure they have a purpose – to either educate or



inspire. Think “Safety Bingo” or “At-Risk Jeopardy.” You can hold competitions between teams of workers to see who knows the most about a certain safety issue that is typical in the workplace.

**Follow up** – Reinforce the key points of the meeting by getting back to the participants. Send them articles, bullet lists and links with resources, as appropriate, a few weeks after giving a safety talk.

## Fresh ideas

Selecting a topic for a safety meeting is not always easy. Sometimes you may be wondering what to feature, especially when you have covered some topics many times. If you are fresh out of ideas, consider your topic by:

- Reviewing new laws and industry standards,
- Reviewing new company policies and procedures,
- Evaluating existing safety hazards in the workplace,
- Considering future industry events that may impact specific work procedures,
- Asking your employees for issues they would like to see discussed at the meeting.

The best time to schedule a safety meeting is the start of the work shift. Before you start a safety meeting (on time), have the participants sign in.

## SAMPLE MEETING AGENDA

- State the primary purpose of the meeting.
- Review old business from previous safety meetings.
- Ask for suggestions for future meetings.
- Present material for the current safety meeting, using visual aids, such as video, overhead transparencies, slides or printed handouts to stimulate the employees' interest.
- Review or give a quiz to participants.
- Present an agenda for the next meeting.

## The takeaway

You should do all you can to ensure your workers' safety, and a key part of that is to train them properly in the safety issues that confront them at work.

Employees have often sat through several safety meetings, so the key to driving home the point effectively is to make them engaging, stimulating – and above all, memorable. ❖

## TAILGATE MEETINGS

# As Construction Rebounds, Double Down on Safety

**A**S THE economy regains its footing, employment in the construction industry is surging as pent-up demand means that more homes are being built at a brisk pace. But this new growth in housing has come at a price for those working in the industry: a significant jump in construction workplace deaths and injuries.

In 2019, 1,061 construction workers died on the job, up 5% from 2018 and the sector's highest number of worker deaths since 2007. A new report suggests that the trend will continue as human resources shortages force construction firms to promote relatively inexperienced workers into supervisory roles. This means construction firms have to double down on safety, and that starts with sound tailgate meetings and buy-in from management.

You can use this handy list of meeting topics to plan your tailgate meeting agenda for the year. This list is by no means exhaustive, but it does cover the major areas that you should refresh your workers on annually.

- **Workplace hazards** – Hazard recognition is a skill that all workers need to stay safe on the worksite. This training should cover common types of hazards found in the construction industry, how to assess their severity and the different control methods employed to prevent incidents from occurring.
- **Managing worksite conditions and equipment** – The dangers vary at each worksite depending on the job as well as the weather. As a result, hazards associated with housekeeping, slips, trips, falls and materials need to be recognized. Training should include general tool safety guidelines including rotating machinery, air, electric and power tools.
- **Fall protection** – Falls are a serious hazard in all construction. This training should focus on basic fall protection equipment used in construction, worker and employer responsibilities for working at heights, and common fall protection inspection points.
- **Ladder and scaffold safety** – Some of the most common tools used on construction sites today include ladders and scaffolds, which pose their own fall hazards. They can also be major sources of injuries due to falls and improper use. Training should focus on the types of ladders and scaffolds that will be used in a job, correct set-up, usage and contraction, along with a description of scaffold tags.
- **Defensive driving** – Whether your employees are driving to work, from work, or operating a piece of equipment on the worksite, it is important to practice safe, defensive driving techniques. Your training should focus on state driving laws, defensive driving techniques and typical causes of motor vehicle accidents.
- **Powered mobile equipment** – Powered mobile equipment is used for many purposes in the construction industry. It is important to operate and work safely near this equipment. Training should cover all of the powered mobile equipment you'll have on the job, how to conduct a pre-job walk around of a machine and how to work safely around the various pieces of equipment.
- **Personal protective equipment** – Although it is your last line of defense in the prevention of injury, personal protective equipment (PPE) is a regular part of the clothing worn on most construction jobs. Training should focus on the role of PPE on the job, basic PPE found in the construction industry, and when specialized PPE is necessary.
- **Excavating and trenching** – Any excavation has the potential to harm workers who are not properly informed of the risks associated with digging and how to prevent dangerous incidents. Training should explain hazards, different soil types and their properties, and important safety precautions that should be part of all digging operations.
- **Personal physical care and conduct** – Working in the construction industry requires substantial physical health and stamina. In this module, ways to care for your body to prevent injuries and the impacts of drugs and alcohol on your ability to work safely should be examined, as well as professional behavior and conduct on the worksite.
- **Hazard communications** – The construction industry uses various chemicals and materials that could be harmful to your health if not handled correctly.
- Training should focus on the Globally Harmonized System of hazardous materials labeling and the function of Material Safety Data Sheets, so that employees know how to protect themselves from dangerous hazardous materials.
- **Environmental safety** – Protecting the environment is everyone's responsibility. Training should introduce workers to the typical types of pollutants found in the construction industry, what to do in case of an accidental release of hazardous materials and general transportation of dangerous goods requirements.
- **Emergency response** – When an accident does occur, your employees, supervisors and managers should know your emergency response plan. Training should cover key response plan elements, how to access first aid on the worksite, and basic fire-fighting techniques. ❖

